

# EDUCATIONAL AND PROFESSIONAL CHARACTERISTICS OF PERSONS WHO COMMIT CRIMINAL OFFENSES THROUGH FRAUD: A CRIMINAL ANALYSIS

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**Annotation.** *The aim of the work is forensic analysis of educational and professional characteristics of persons who commit criminal offenses by fraud.*

*The methodological basis of the study scientific works of criminologists who studied the problems of the identity of the criminal, materials for the study of criminal proceedings regarding fraud, analysis of questionnaires of employees who investigated criminal offenses committed by fraud.*

*It has been established that the growth of crime, which changes in accordance with socio-economic changes in the state, prompts the search for new forms and methods of crime investigation. One of these directions is the creation of a forensic classification of persons in such a way that, using information about their typical characteristics, it would be possible to solve the general tasks of detecting and investigating criminal offenses.*

*It is emphasized that for the characterization of a person who commits criminal offenses by fraud, physiological signs do not play a special role, since the commission of such illegal acts does not involve physical force and intimidation, but intelligence, psychological abilities, educational and professional knowledge and skills, etc. At the same time, the criminal-legal aspects of fraudsters should not be ignored, since it is the presence of guilt, motive and direction of intent, etc. that determine the criminality of a person's actions and contribute to exposing the culprit. After all, when analyzing the features of the forensic characteristics of a fraudster, it is necessary to note a number of circumstances that motivate his behavior.*

*The educational and professional characteristics of persons who commit criminal offenses by fraud are considered, depending on the sphere in which fraudulent actions are applied.*

*Conclusions. It has been established that there are many ways of using deception. Instead, the choice of a certain method of committing fraudulent actions depends on a number of subjective and objective factors, among which the possession of skills and knowledge in a certain field by the subjects related to such illegal actions, as well as the level of their education and intellectual development. This is due to the need to use complex mental operations, intelligence and psychological influence to mislead the victim.*

**Key words:** *fraud, identity of a fraudster, forensic characteristics, educational and professional characteristics of a person.*

## 1. Introduction.

Criminal offenses committed by fraud are characterized by a variety of methods of action. Therefore, the person conducting the investigation must have an idea of the types and specifics of such illegal acts, as well as their criminal law and forensic features, which is the key to the information content of the investigation process. The study of the forensic characteristics of such criminal offenses, including the characteristics of the persons who commit them, helps to isolate the necessary information in each specific criminal proceeding.

## 2. Analysis of scientific publications.

Forensic characterization of persons who have committed criminal offenses has repeatedly attracted the attention of scientists such as: A.F. Volobueva, V.O. Konovalova, O.L. Musienka, O.P. Pchelina, V.Yu. Shepitka, K.O. Chaplinskyi, Yu.M. Chornoust and other scientists. However, in the legal literature there is a certain discrepancy in the definition of groups of such signs.

**3. The aim of the work** there is a forensic analysis of the educational and professional characteristics of persons who commit criminal offenses by fraud.

## 4. Review and discussion.

The growth of crime, which changes in accordance with socio-economic changes in the state, prompts the search for new forms and methods of crime investigation [1, c. 59]. One of these directions is the creation of a forensic classification of persons in such a way that, using information about their typical characteristics, it would be possible to solve the general tasks of detecting and investigating criminal offenses [2, c. 64].

Characterization of the criminal's identity within the framework of forensic characterization has always been carried out taking into account a personal approach. The latter is expressed in the absence of an exclusive and unified list of characteristics of the criminal, which must be ascertained for all crimes. This is explained by the need to individualize the typology of the criminal in relation to a specific type (group) of crimes [3, c. 148].

In our opinion, among the information that makes up the characteristics of the criminal's identity, it is necessary to take into account those that contribute to his search and detection.

No less important is the study of those characteristics that will help identify manifestations of opposition to the investigation by certain persons and take measures to prevent such opposition [4, c. 126].

For the characterization of a person who commits criminal offenses by fraud, physiological signs do not play a special role, since the commission of such illegal acts does not involve physical force and intimidation, but intelligence, psychological abilities, educational and professional knowledge and skills, etc.

At the same time, the criminal-legal aspects of fraudsters should not be ignored, since it is the presence of guilt, motive and direction of intent, etc. that determine the criminality of a person's actions and contribute to exposing the culprit. After all, when analyzing the features of the forensic characteristics of a fraudster, it is necessary to note a number of circumstances that motivate his behavior. A criminal record in the literal sense of the word is not a sign or characteristic of a person, but this legal concept often reflects the existence of antisocial views in a person and thereby determines the social characteristics of a person [5, c. 49].

It should be noted that the rapid development of world civilization, scientific and technical progress, and the development of information technologies led to the emergence of a new type of reality, in which electronic information resources, technical means of communication and network language led to significant changes in the social life of society. As a result, instead of street fraud, the number of criminal offenses committed using Internet resources has increased. This led to the reformatting of fraudsters' activities in the direction of digitalization of the methods of fraudulent actions.

Certain professional skills and education acquired by a person affect not only his formation and role in society. Sometimes acquired experience in certain areas helps the criminal to carry out criminal operations, including fraudulent ones.

In this regard, one should agree with D.B. Sergeeva and O.V. Tkach, who say that information about the education, profession and professional skills acquired by the criminal is important, as they are directly

related to the subject of the criminal offense. encroachment, but with the chosen method of committing the crime. For example, a person may be in a position that involves access to confidential information (with limited access) and commit a crime of this type; have professional knowledge and skills that determine the choice of the method of committing a crime (skills of tracking a person, using professional photo, video, audio equipment, etc.) [6, c. 112].

The analysis of the educational and professional level proved that the vast majority of criminal offenses related to fraud are committed by fraudsters with a higher education – 71%. With secondary special education - 9%; with complete general secondary education – 18%. Only 2% of fraudsters had no education when committing such illegal actions, which indicates the high educational and professional level of such persons. At the same time, the educational and professional characteristics of fraudsters depend to some extent on the sphere in which they commit illegal actions.

Thus, when fraud is committed in the field of mortgage lending, it is mostly employees of banks and other credit institutions who perform organizational-management and administrative-economic functions (71%). Instead, in 19% of cases, illegal actions are committed by persons who have access to the company's bank accounts and carry out other banking operations. Only 10% are ordinary citizens who fraudulently obtain mortgage loans [7, c. 18]. The very nature of obtaining a mortgage loan illegally requires the presence of a high intellectual level, education and professional training.

Insurance fraud is possible only if there is an insurance relationship between the insurer and the insured. That is, the person of the criminal must be the subject of insurance legal relations and have the status of either the insurer or the insured. In this context, we can say that fraud in the field of property insurance is characterized by a special subject, since the subject of committing a specific type of fraud can only be a limited circle of persons [8, c. 281].

A special entity is also defined when committing fraud with financial resources. According to Art. 222 of the Criminal Code of Ukraine such an entity is a citizen-entrepreneur; the founder of the business entity; a participant (founder) of a business entity; employees of the subject of economic activity, which excludes the possibility of committing such a criminal offense by persons with other professional employment. On the other hand, relatively prepared, prolonged and hidden commission of crimes under Art. 222 of the Criminal Code of Ukraine is possible through the collusion of employees occupying different official positions, sometimes accompanied by involvement in criminal activity of employees of the creditor institution. Therefore, a characteristic feature of a criminal is the commission of a crime by a prior conspiracy of individuals and an organized group [9, c. 9].

The level of education and special professional training is also relatively high among persons who commit criminal offenses in the banking sector through fraud. 9% of the total number of people are representatives of banking institutions that were related to credit operations: bank managers; other officials who were responsible for conducting banking operations; technical employees of the bank. Such persons are well versed in the technological environment and the specifics of credit relations. Persons from among the heads of banking institutions often decide the issue of distribution of bank credit resources in an imperative manner, have extensive business and personal relationships with clients and bank personnel, possess important banking information, including confidential information. Only in some cases, "fake" persons participate in the commission of crimes at certain stages of criminal activity. For the role of such executors, the organizers of crimes select citizens who mostly do not have a permanent job and a certain place of residence, lead an immoral lifestyle, mentally ill, previously convicted, etc. [10, c. 13].

A number of organizations are involved in the construction process, each of which is interested in using their capacities and resources, which especially applies to developers and contractors. At the same time, a number of such entities, aiming to obtain excess profits, may be involved in fraudulent activities. Among the indicated subjects, the most active participation in committing fraud is the heads of the developer company, as well as persons who perform financial and administrative functions and managers. It is these individuals who are the main members of the group. And about 70% of such facts [11].

Regarding the educational and professional characteristics of criminals who commit fraud in the real estate sector, it should be emphasized the large number of persons with higher education (55%), including law (29%). These persons are well-versed in legal issues and processes of concluding transactions in the real

estate market, know conflicts and shortcomings in legislation and skillfully use them. Realtors, notaries, representatives of the state registration service, state migration service, representatives of ZEKs and condominiums, etc., are often involved in fraudulent activities. This category of frauds has the highest level of corrupt ties between criminals and representatives of state authorities and law enforcement agencies.

Regarding the professional employment of criminals who commit employment fraud, it should be said that everything depends on the mechanism of defrauding citizens.

So, if work is offered in the virtual space, fraudsters in 64% of cases do not have official employment and the income from "deceived" citizens is the main one. The same can be said about cases when fraudsters create a legal entity illegally, with subsequent masking of their activities under the guise of economic legal relations. In only 9% of cases, fraudulent actions were committed by an officially registered business entity that provides jobs. Among them, 4% of frauds are committed by persons who provide employment services abroad, but they operate without obtaining a license to engage in business activities in this direction. It is not unusual for persons involved in insurance activities, representatives of the state migration service, representatives of social services, and persons providing legal assistance to be involved in employment fraud [12].

Criminal offenses committed by fraud in the field of health care can be committed by medical workers, suppliers of goods or executors of ordered works, heads of the tender committee, etc. [13, c. 43]. At the same time, frauds in the field of tourism are mainly committed by persons related to the official conduct of tourist business (tour operators, travel agents) - 78%.

Persons who fraudulently acquire firearms, ammunition, explosives, explosive devices, or radioactive materials have a rather low educational and professional level, as well as fraudulent actions related to the acquisition of narcotic drugs, psychotropic substances or their analogues, precursors, as well as the equipment intended for their production. On the other hand, in 21% of cases, the persons who were the organizers of these fraudulent actions had a higher education, of which 12% held managerial positions in public services or in law enforcement agencies.

It should also be noted the low educational and professional level of criminals who commit street and household fraud. As the results of the study of criminal proceedings regarding criminal offenses committed by fraud showed, only 14% of such persons had a higher education. In addition, only 9% had an official place of employment.

From this it follows that the educational level and professional skills of a person have the greatest influence on his choice of the method of committing fraud.

As the analysis of legal literature, the study of materials of criminal proceedings regarding criminal offenses committed by fraud, and the survey of respondents showed, digital literacy should be included in the professional characteristics of persons who committed such illegal actions, because most of the methods of fraudulent actions include elements of mastering the skills of working with computer equipment and software and are carried out via the Internet.

In this regard, the position of S.V. Shapochka is questionable, as he notes that since the cost of computer equipment is constantly decreasing, the conditions for its use do not require special education or skills, the tendency to commit fraud by criminals with a low level or in the absence of technical education remains. This means that anyone with malicious intent can commit fraud using computer and telecommunications devices and computer and telecommunications networks. In this regard, the circle of possible figures for the activities of law enforcement agencies is quite wide [14, c. 63].

Disagreeing with this position, it should be said that rather, digital literacy also requires basic cognitive skills, such as reading literacy, numeracy, problem-solving skills and critical thinking skills. These basic skills are necessary prerequisites for functional, task-oriented, application of new technologies [15].

In addition, as we have already noted, in addition to digital literacy, fraudsters quite often (in 68% of cases) also used professional knowledge and skills acquired during work in law, insurance companies, construction firms, computer clubs, banks and others institutions and organizations.

This indicates the need to study the intellectual level of a person who commits criminal offenses by fraud and his ability to perform complex brain tasks.

As the analysis of legal literature, the study of materials of criminal proceedings regarding criminal offenses committed by fraud, and the survey of respondents showed, the highest intellectual level is possessed by persons who commit criminal offenses by fraud in the credit and banking sphere and the sphere of mortgage lending.

Thus, persons who commit fraud in the field of mortgage lending, first of all, have a high level of intellectual development, possess the necessary knowledge in the field of entrepreneurial activity, legislation, finance, accounting, etc. [16, c. 103]. On the other hand, persons who commit fraud in the field of real estate transactions in 76% of cases are also specialists in various fields: economics, law, information technologies and banking, and the field of construction. Even if the fraudsters are not specialists in a certain field, they have corrupt connections with knowledgeable persons and receive consulting assistance from them. They often know the methods of law enforcement. In 23% of cases, the fact of the assistance of civil servants in committing fraud can be traced. In general, the commission of a crime of this category is characterized by a highly intellectual approach [17].

Characterizing the identity of a fraudster with financial resources, it should be noted that this is also a "white-collar" type of criminal. Such persons commit crimes without the use of violence, using false information in order to obtain financial profits. Such persons are professionals of a high or medium level in the field of credit and financial relations, in most cases they are well versed in legislation - tax, banking, and have knowledge of accounting. In the past, many of them had experience working in the public sector in positions related to the performance of organizational and managerial or administrative and economic duties [18, c. 298].

One cannot say about the high intellectual level of persons who commit street and domestic frauds.

## 5. Conclusions.

So, there are many ways to use deception. Instead, the choice of a certain method of committing fraudulent actions depends on a number of subjective and objective factors, among which the possession of skills and knowledge in a certain field by the subjects related to such illegal actions, as well as the level of their education and intellectual development. This is due to the need to use complex mental operations, intelligence and psychological influence to mislead the victim.

## References:

1. Kryvopusk O.H. (2022) Osoblyvosti provedennia ohliadu za faktamy povidomlennia pro rozkradannia vantazhiv z rukhomoho skladu zaliznychnoho transportu. The scientific heritage. No 91. 59–62. [in Ukrainian].
2. Matusovskyi H.A. (1999) Ekonomycheskye prestupleniia: kryminalistycheskyi analiz. Kharkiv: Konsum. 64. [in Ukrainian].
3. Pchelina O.V. (2017) Osoba zlochyntsia yak element kryminalistychnoi kharakterystyky zlochyntiv u sferi sluzhbovoidiialnosti. Visnyk Natsionalnoi akademii pravovykh nauk Ukrainy. № 2 (89). 145–156. [in Ukrainian].
4. Pletenets V.M. Teoretychni ta prakseolohichni zasady podolannia protydii dosudovomu rozsliduvanniu: monohrafiia. Odesa: Vydavnychi dim «Helvetyka», 2020. 424 c. [in Ukrainian].
5. Pavlova N.V., Ptushkin D.A., Chaplynskyi K.O. (2019) Teoretychni zasady metodyky rozsliduvannia shakhraistva, poviazanoho z vidchuzhenniam obektiv nerukhomoho maina hromadian. Monohrafiia. Kyiv: Vydavnychi dim «Helvetyka». 196. [in Ukrainian].
6. Serhieieva D.B., Tkach O.V. (2018) Osoba zlochyntsia yak element kryminalistychnoi kharakterystyky porushen nedotorkanosti pryvatnoho zhyttia. Visnyk kryminalnoho sudochynstva. № 1. 106–114. [in Ukrainian].



7. Berezniak V. S. (2021) Teoretychni, pravovi ta prakseolohichni zasady rozsliduvannia kryminalnykh pravoporushen u sferi nerukhomosti: dys. dok-raiuryd. nauk (12.00.09). Dnipropetrovskiy derzhavnyi universytet vnutrishnikh sprav. Dnipro. 40. [in Ukrainian].
8. Ivasiuk Kh. (2019) Osoba zlochyntsia yak elementkryminalistychnoi kharakterystyky shakhraistva u sferi strakhuvannia maina. Pidpriemstvo, hospodarstvo i pravo. № 4. 279–283. [in Ukrainian].
9. Okhrimchuk T.V. (2011) Kryminalistychna kharakterystyka shakhraistva z finansovymy resursamy ta osnovni napriamy rozsliduvannia: avtoref dys. na zdobuttia nauk. stupenia kand. yuryd. nauk (12.00.09). Natsionalna akademiia vnutrishnikh sprav. Kyiv. 20. [in Ukrainian].
10. Cherniavskiy S.S. (2001) Metodyka rozsliduvannia zlochyniv u sferi bankivskoho kredyтуvannia: avtoref. dys. na zdobuttia nauk. stup. kand. yuryd. nauk (12.00.09). Natsionalna akademiia vnutrishnikh sprav Ukrainy. Kyiv. 20. [in Ukrainian].
11. Sorochan A.V. (2021) Teoretychni ta prakseolohichni osnovy rozsliduvannia shakhraistva na pervynnomu rynku nerukhomosti: dys. kand. yuryd. nauk (12.00.09). Dnipropetrovskiy derzhavnyi universytet vnutrishnikh sprav, Dnipro. 239 c. [in Ukrainian].
12. Hukova I.S. (2021) Kryminalistychna kharakterystyka ta osoblyvosti rozsliduvannia shakhraistva u sferi nadannia posluh iz pratsevashtuvannia: dys. ... dok-ra filosofii (081 – Pravo). Dnipropetrovskiy derzhavnyi universytet vnutrishnikh sprav, Dnipro. 253. [in Ukrainian].
13. Bidniak V.A., Bidniak H.S., Chaplynskyi K.O. (2021) Teoretychni ta praktseolohichni zasady vykorystannia spetsialnykh znan pid chas rozsliduvannia zlochyniv, poviazanykh iz derzhavnym finansuvanniam v haluzi okhorony zdorovia: monohrafiia . Odesa: Vydavnychi dim «Helvetyka». 206. [in Ukrainian].
14. Shapochka S.V. (2014) Do pytannia zapobihannia okremym vydam shakhraistva, yake vchyniaetsia z vykorystanniam mozhlyvosti merezhi internet. Borotba z orhanizovanoi zlochynnistiu i koruptsiieiu (teoriia i praktyka): nauk.-prakt. zhurnal. Kyiv: MNDTs pry RNBO Ukrainy. № 1 (32). 213–225. [in Ukrainian].
15. Tohobytska V.D. (2017) Ryzky dlia sotsialnoi sfery pid chas tsyfrovoy transformatsii. Elektronnyi zhurnal Derzhavne upravlinnia: udoskonalennia ta rozvytok. № 8. [in Ukrainian].
16. Chernyshov H.M. (2016) Finansove shakhraistvo v investytsiino- budivel'ni sferi: kryminolohichne doslidzhennia: dys. ... kand. yuryd. nauk: 12.00.08 / Odesa. 246. [in Ukrainian].
17. Kuzmenko S.S. (2019) Rozsliduvannia shakhraistva, poviazanoho z investuvanniam koshtiv u budivnytstvo obektiv nerukhomosti: dys. ... kand. yuryd. nauk: 12.00.09 / Vidkryty mizhnarodnyi universytet rozvytku liudyny «Ukraina». Kyiv. 249. [in Ukrainian].
18. Shepitko V.Iu., Konovalova V.O., Zhuravel V.A. ta in. (2006) Rozsliduvannia zlochyniv u sferi hospodarskoi diialnosti: okremi kryminalistychni metodyky: monohrafiia / za red. V.Yu. Shepitka. Kharkiv: Pravo. 298. [in Ukrainian].

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