

# VICTIMOLOGICAL PREVENTION AS A SPECIAL CRIMINOLOGY DIRECTION OF PREVENTING FRAUD AND HUMAN TRAFFICKING IN THE SPHERE OF TOURISM ACTIVITY

*Nesterova Iryna*

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**Annotation.** The article analyzes victimological measures to prevent fraudulent activities and human trafficking in the tourism sector.

Attention is focused on the fact that victimological prevention is an important direction of preventing criminal offenses, which is carried out at a special criminological level. Fraudulent acts and human trafficking in this area have their own characteristics; accordingly, victimological prevention measures should also have its own specifics.

It has been determined that victims of fraudulent actions in this kind of activity do not have clearly expressed victim characteristics, and therefore preventive work regarding them should primarily consist of informing about precautionary measures and ways to ensure one's own victimological safety.

It was concluded that due to the fact that victims of human trafficking are mostly women who, in an effort to earn a living, agree to any work abroad, including prostitution, it is impossible to significantly reduce their victimization level by informing them about the potential possibility of becoming a victim of human trafficking without addressing basic socio-economic problems.

**Key words:** special criminological measures, victimological prevention, victim, criminal offense, fraudulent actions, human trafficking, tourism activity.

## 1. Introduction.

Victimological prevention is an important direction in preventing criminal offenses. Given this, preventive influence should also be directed at those factors that contribute to the victimization of both specific individuals and entire social groups. This also applies to fraud, since one of the main features of this criminal offense is that it is committed with the direct participation of the victim in the illegal acquisition of property by the criminal. Preventive measures should be aimed both at potential victims of offenses and at specific life situations that lead to the commission of criminal offenses against these persons.

## 2. The state of development of the problem.

The problems of the victimological direction of crime prevention were studied within the framework of research devoted to the victim of a criminal offense. Among domestic monographic studies devoted to the victim of a criminal offense, it is worth mentioning, first of all, the works of A.A. Muzyka, O.A. Klymenko, E.V. Lashchuk, A.V. Savchenko, M.V. Senatorov, T.I. Prysyzhnyuk, etc. In recent years, several dissertations devoted to the victimological prevention of fraud and human trafficking have been defended in Ukraine [1; 2; 3; 4], however, as previously substantiated, these criminal offenses in the provision of tourist services are characterized by their own characteristics; measures of its victimological prevention should also have their own specifics.

While paying tribute to the achievements of these scientists, we note that a number of relevant issues remain debatable and require additional research.

### 3. Purpose of the study.

The purpose of writing the article is to study victimological measures to prevent fraudulent acts and human trafficking in the sphere of tourism activity as one of the special criminological direction of crime prevention in this area.

### 4. Presentation of the main material.

We agree with the opinion of Professor V. V. Golina that crime prevention can be defined as the theory and practice of controlled proactive influence on those phenomena of a material and spiritual nature that exist or may arise and that form a criminogenic potential in society [5, p. 104].

Prevention of fraud and human trafficking in various spheres of public life should be considered as a multi-level system of state and public measures aimed at eliminating or neutralizing the causes and conditions of this crime at the general social, special criminological and individual levels.

At the special criminological level, victimological prevention is carried out not in relation to the entire population, but in relation to specific individuals who are characterized by increased victimization [6, p.211].

This system includes objects, subjects and means of preventive influence. The object of preventive influence is the determinants of fraud, to which preventive measures should be directed. General social prevention should be directed primarily at circumstances that are external to fraud. Preventive influence should also be directed at those processes and trends that occur in the crime under consideration, because the features of illegal fraudulent actions are not immutable.

The objects of individual fraud prevention include criminologically significant personal characteristics of the perpetrators, which determine the deformation of their personality; unfavorable living conditions of a person in microsocial groups; elements of an unfavorable life situation, etc.

In view of this, preventive measures should also be aimed at those factors that contribute to the victimization of both specific individuals and entire social groups.

By the victimological concept of "victim of a criminal offense", we mean a person who has suffered physical, property or moral damage as a result of a crime, regardless of whether he or she is recognized as a victim in accordance with the procedure established by law or considers himself or herself to be one. In our opinion, the term "victim of a crime" should be understood only as a natural person [7, p. 147]. We agree with the point of view of most victimologists [8, p. 37; 9, p. 124; 10, p. 11], who believe that it is more correct to consider a victim of a criminal offense only a natural person who possesses individual characteristics that determine his victimhood.

It should be noted that there are differences between the criminal law, criminal procedural and criminological concepts of a victim. Criminal law defines a victim of a criminal offense as a natural person who has been directly caused physical, property or moral damage by a crime, while a victim of a crime in criminal proceedings is recognized not only as a natural person, but also as a legal entity who has been caused damage to its property or business reputation by a crime. The criminal procedural concept of a victim provides for his or her obtaining the appropriate procedural status. At the same time, in some cases, a person who has suffered from a crime may remain unidentified for certain reasons, but in any case will be a victim.

At the special criminological level, victimological prevention is carried out not in relation to the entire population, but in relation to specific individuals who are characterized by increased victimization. For this purpose, a set of measures should be developed to identify such individuals, the reasons and conditions that contribute to the commission of crimes against these individuals. The objects of prevention should be, on the one hand, the potential victims of crimes themselves, and on the other, specific life situations that lead to the commission of crimes against these individuals [6, p. 211]. First of all, it is important to note that identifying potential victims of fraud is often extremely difficult, in some cases even impossible (depending on the area of fraud). We note the fact that, for example, in the field of tourism services, there is very little information available about victims of crimes (at best, data on the victim's gender, age and place of work). Thus, according to our research, victims of fraudulent actions in the sphere of providing tourist services were people (57% men and 43% women) of different ages (but mainly aged 25–45 (84%) years) and professions,

as a rule, residents of large cities, well-educated, with an average or high level of wealth. Therefore, there are reasons to argue that almost any person who plans a trip and turns to tourism entities for its organization can fall into the “net” of such fraudsters [7, p. 148]. The conducted studies give reason to assert that the victims of crimes in this area are untrustworthy individuals who are easily influenced by others (more than 80% of them have never been deceived before, not only by “tourist” but also by other scammers). An explanation can be found in the work of researcher K. L. Popov, who reasonably argues that one of the socio-psychological factors of increasing victimization in fraud is “the superiority in the motivation mechanism of the “pleasure” of expectations over the “reality” of threats” [2, p. 6]. In this regard, scientists rightly note that in a victimogenic situation, any, including psychological, properties of the victim of the crime may be victimologically significant [11, p. 6].

Unfortunately, no one is safe from fraudulent actions. There will always be those who will seek to seize citizens’ funds. Much depends on the person himself, his vigilance and critical thinking. Victimologists rightly emphasize that the higher the “victimological qualification” of a potential victim, the more professional the criminal must be in order to achieve success [2, p. 13]. In matters of victimological prevention of fraud, it is advisable to focus on achieving a state in which a person, critically evaluating his own behavior, will be able to foresee such optimal steps that will minimize the risk of suffering from fraud [12, p. 160].

In the special literature, it is rightly noted that preventive work with individuals who do not have clearly expressed victim characteristics regarding fraud is mainly reduced to informing about the possibility of certain dangerous situations for them and about precautionary measures, ways to ensure their own victimological safety [12, p. 161]. A person “armed” with victimological knowledge undoubtedly has less chance of being a victim of fraud than an uninformed person who does not even hypothetically foresee possible threats [13, p. 22; 14, p. 98–99].

Let’s try to give some tips to minimize the likelihood of people falling into the “trap” of scammers (using the example of the tourism industry).

If you decide to embark on a journey and choose an intermediary, focus on reputable travel companies (tour operators) that have a certain positive reputation in the tourism market and a long period of operation. As a rule, fraudulent activities are carried out by one-day companies that disappear after their representatives have received money from the client.

It is more reliable to entrust your trip to a tour operator, not a travel agency, because according to the legislation, the tour operator bears full responsibility for the quality of the tourist product, and the travel agency acts as an intermediary. Only the tour operator (in some cases, it may act as a travel agent) has the right to make changes to the product, correct defects, and satisfy customer complaints. In addition, you should pay attention to the premises where the tour operator’s office is located (rented or owned). In the event that a company breaches its obligations, the company that owns the property will be more likely to compensate for possible damages caused to the client.

If you have contacted a tour operator, you should definitely inquire about its license, the availability of which can be checked on the website of the Ministry of Culture and Information Policy of Ukraine, where the License Register of Tour Operators is located. It is also worth reviewing reviews about tour operators on specialized websites and neutral forums that have appeared in recent years. A tourist activity entity that does not delete unpleasant reviews on its own website and responds quickly to visitors’ comments should be trusted [15].

Solid and reliable tour operators, as a rule, have a narrow specialization, which means choosing a specific travel direction. Therefore, the tour operator qualitatively and professionally works out schemes for working with all links of the tourist product (hotel booking and checking the quality of service, working with carriers, guides, organizing sightseeing trips in the city, etc.), so the risk of falling into the “claws” of scammers is minimized.

In the modern world, every reputable organization has its own Internet platform, which is its face and advertises its services. Such a company places on its website not just bright photos, but also a detailed description of all the services it provides. Therefore, the absence of such a meaningful website may be a sign that the company may be a “one-day” company that will disappear immediately after the tourist gives it money for organizing a vacation. In addition, it is worth paying close attention to the content of the website. Unfortunately, as practice shows, victims of “tourist scams” sometimes do not even verify the real existence of the agency’s office.

Studies of fraud in this area prove that incentives of greed and scarcity are often the strategy of criminals [16; 17]. This means a sharp reduction in the cost of the tour; an emphasis on the uniqueness of the offer and the urgency of payment for services. One should be very careful with too cheap tours advertised by travel agencies, the cost of which differs significantly from the average price offered by other agencies. Experts emphasize: if a tour operator or travel agent offers to purchase a tour at a much cheaper price than it costs on the tourist market, then such an entrepreneur is either working at a loss or simply deceiving gullible customers [15]. Also, the too cheap cost of the service may, for example, be caused by low demand for a particular hotel, given the lack of normal recreation conditions there, etc. You should also be careful with hot offers to purchase a cheap ticket “only today and only until a specific time.”

It is necessary to pay attention to the number of days and nights of stay in the tour, which is offered by the subject of tourist activity. Representatives of travel agencies mostly operate in days; arrival and departure are counted as two days. In other words, a full calendar week according to the tourist “calendar” is equal to seven nights and eight days. However, some travel companies, when selling a weekly tour to a client, mean seven days and six nights, that is, one day less; hence the attractive price of the offer.

You should definitely pay attention to the insurance company that serves this tourist activity entity, because this is where there are many cases of fraudulent actions against clients in case of insured events. If the agency offers you too cheap insurance, you should consider whether you should deal with the tour company at all. Experts rightly note that reliable insurers post financial indicators of the company, owners, clients, etc. on their official website. It is advisable to pay special attention to the insurer's assets, the size of the guarantee fund, data on insurance payments, etc. [18].

If you still choose a tour operator, take the time to carefully read the contract for tourist services (the contract should be for tourist services, not, say, a contract for the provision of consulting services). If necessary, contact the agency's employees, and based on the results of their answers, you will be able to draw conclusions about their professionalism and competence. It is important to know that current legislation provides that a tourist has the right to refuse to perform a tourist service contract before the start of the tourist trip, provided that the tour operator (travel agent) is reimbursed for the documented expenses actually incurred by him/her related to the refusal [19].

What to do if the rights of a consumer of a tourist service are violated? If a tourist believes that his rights have been violated, he should file a complaint with the regulatory body - the State Service of Ukraine for Food Safety and Consumer Protection - as soon as possible. At the same time, it is worth taking care of evidence that will confirm the claims (for example, photos that demonstrate a clear discrepancy between the real level of comfort of the hotel and the one promised by the travel agency). If there is no proper response from this service, you should file a lawsuit against the travel agency with a demand to compensate for the damages caused. When it comes to the involvement of representatives of the travel agency in fraudulent actions, you should immediately contact law enforcement agencies.

What to do if you have already become a victim of scammers? For example, in cases where clients have already arrived at the vacation spot and it turns out that the hotel is not waiting for them, because the tour operator has not transferred the money to foreign partners. Realizing that they have been scammed, tourists find themselves alone with their problems: far from their homeland, without money, and often without return transport.

After another scandal in 2014, when the bankrupt tour operator Iltur left about a thousand Ukrainian tourists stranded in Turkey and Bulgaria, the Association of Ukrainian Tourism Leaders initiated the creation of a Coordination Center for Emergency Assistance to Ukrainian Tourists Abroad to provide them with real assistance and set up a special telephone line for victims. The center included representatives of the Ministry of Foreign Affairs, the agency responsible for managing the tourism sector, leading tour operators, and insurance companies [20].

We believe that recommendations on how to avoid becoming a victim of fraud should be disseminated more often through the media and Internet resources. We agree with victimologists who rightly point out that the effectiveness of fraud prevention will depend on how victimological information is perceived by the population and penetrates the minds of potential victims [2, p. 15; 12, p. 161]. At the same time, the relevant information for citizens should be as specific as possible; the description of real-life situations should be supported by concise but informative recommendations on how not to become a victim of scammers. Such information should be concise, possibly in the form of memos, leaflets, messages on tour operator websites, etc.

We support the opinion of researcher K. L. Popov that only the personal interest of citizens in solving the problems of their own criminological security, based on the instinct of self-preservation and the desire for self-defense inherent in all people, in combination with rational planning of victimological crime prevention can become a significant obstacle to the spread of fraud in Ukraine" [2, p. 16]. We are convinced that a self-confident person who is indifferent to any advice and is only concerned with saving money on travel arrangements will always be a convenient target for scammers, despite all possible measures taken by victimological prevention agents.

This applies not only to fraud committed in the tourism sector. Despite a relatively active information campaign aimed at warning citizens about the potential possibility of becoming a victim of human trafficking, its effectiveness leaves much to be desired, which is explained, in particular, by the fact that potential victims of this act deliberately take such a step. At the same time, it is worth noting that the victimization of victims of "tourist fraud" and victims of human trafficking committed by tourism operators is of a different nature: the former, as a rule, are not poor people who are willing to spend money on expensive vacations, and fall into the "net" of fraudsters due to their own greed and carelessness, while the latter become victims due to the desire to earn their own living and in this regard agree to any work abroad, including prostitution. Therefore, of course, without solving the basic socio-economic problems of the latter, it is impossible to achieve a significant reduction in the level of their victimization by informing these individuals about the potential possibility of becoming a victim of human trafficking. In this regard, we agree with V. V. Golina, who writes: "The state is taking almost no radical measures to stop mass victimization. One gets the impression that this phenomenon is generally secondary or even unknown to the authorities" [21, p. 192].

## 5. Conclusions.

Thus, we can conclude that crime prevention should be considered as a multi-level system of state and public measures aimed at eliminating or neutralizing the causes and conditions of this crime at the general social, special criminological and individual levels.

It has been determined that victims of fraudulent actions in this sphere do not have clearly expressed victim characteristics, and therefore preventive work regarding them should primarily consist of informing about precautionary measures and ways to ensure one's own victimological safety. Recommendations on how not to become a victim of "tourist scammers" should be disseminated more often through the media and Internet resources, especially in the summer, when most citizens are going on vacation. For preventive purposes, it is also advisable to issue and distribute special printed "tourist guides", leaflets, and practical guides among the population. Given that the victims of human trafficking are mostly women who, in an effort to earn a living, agree to any work abroad, including prostitution, it is concluded that without solving elementary socio-economic problems, it is impossible to achieve a significant reduction in their victimization level by informing about the potential possibility of becoming a victim of human trafficking.

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**Iryna Nesterova,**  
*PhD in Law, Associate Professor,*  
*Criminal Law and Process Department,*  
*Uzhhorod National University,*  
*Ukraine, Uzhhorod*  
*E-mail: [iryna.nesterova@uzhnu.edu.ua](mailto:iryna.nesterova@uzhnu.edu.ua)*  
*ORCID: 0000-0003-0481-2965*