

UDC 343.97:343.122:343.226
DOI: 10.33270/01211192.59

Criminological characteristics of victims of threats or violence against a law enforcement officer

V. Belenok*

Researcher of the Research Laboratory on the Problems of Combating Crime of the Educational and Research Institute No. 1 of the National Academy of Internal Affairs,
Kyiv, Ukraine.

<https://orcid.org/0000-0001-8214-0522>

■ **Abstract.** The purpose of the study – based on the available empirical base, and research of scientists to summarise the criminological characteristics of victims of threats or violence against a law enforcement officer. The study uses a set of scientific methods, namely: terminological, system-structural, Aristotelian, and comparative legal. The theoretical foundation of the study is the works of Ukrainian and foreign scholars, the provisions of the Criminal Code of Ukraine, and the practice of its application. The scientific originality of the research consists in the fact that it: 1) characterises the victims of crimes under Art. 345 of the Criminal Code of Ukraine, based on gender, age, citizenship, marital status, information about the relationship with the criminal offender, about the service, position, and duties; 2) the categories of law enforcement officers who become victims of threats or violence are determined; 3) the positive and adverse features and characteristics of these persons are outlined; 4) the classification of the victims of law enforcement officers by the type of their behaviour that preceded the criminally unlawful encroachments on them in the form of threats or violence is developed. Based on the results of the study, the following conclusions were made: 1) among law enforcement officers who became victims of threats or violence, young men (from 25 to 45 years old) with insignificant work experience prevail; 2) crimes under Art. 345 of the Criminal Code of Ukraine, are most often committed against police officers, much less often – against employees of other law enforcement agencies (border service, penitentiary bodies and institutions, state forest protection bodies, etc. 345 of the Criminal Code of Ukraine, which prevail in practice, can be divided into the following groups a) adverse character traits; b) lack of the necessary level of knowledge, skills and abilities; c) lack of confidence in the effective protection of law enforcement officers; d) condition (alcohol intoxication or fatigue); e) regional mentality, worldview developed in a particular area; f) low level of income, life and material security; 5) not always specific character traits of a law enforcement officer, their social status, demographic characteristics, other features are directly or indirectly related to the commission of a crime under Art. 345 of the Criminal Code of Ukraine; 6) the victims of law enforcement officers can be conditionally grouped into the following groups: a) persons whose actions are socially useful (lawful, positive) behaviour; b) reckless (frivolous); c) persons who acted illegally; d) persons with asocial (immoral) behaviour

■ **Keywords:** threat; violence; law enforcement officer; victim; a victim of a crime; victimisation; victimology

■ Introduction

Ukraine as a legal state of European quality cannot function without an efficient system of protection of the interests of the individual, society and the state. The system of law enforcement agencies established

for this purpose requires the legal protection of its representatives, as law enforcement officers often become targets of criminal encroachments. Analysis of the number of recorded facts of criminal offences against

■ Suggested Citation:

Belenok, V. (2021). Criminological characteristics of victims of threats or violence against a law enforcement officer. *Scientific Journal of the National Academy of Internal Affairs*, 26(2), 59-67. doi: 10.33270/01211192.59.

■ *Corresponding author

■ Received: 02.13.2021; Revised: 03.25.2021; Accepted: 05.01.2021



Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

the authority of law enforcement agencies for the period 2016-2020 demonstrates that threats or violence against a law enforcement officer prevail in their structure (Article 345 of the Criminal Code of Ukraine).

The proportion of threats or violence against a law enforcement officer (Article 345 of the Criminal Code of Ukraine) among criminal offences under the articles that establish the grounds for criminal liability for encroachment on the authority of law enforcement agencies in 2013 was 55.3%, 2014 – 20.2%, 2015 – 26.5%, 2016 – 53.5%, 2017 – 62.1%, 2018 – 58.8%, 2019 – 60%, 2020 – 65%. On average, during 2014-2020, the crime under Art. 345 of the Criminal Code of Ukraine amounted to 50.2%.

The establishment of an efficient system of prevention of these criminal offences is impossible without studying the identity of the victim (victim of a criminal offence).

Individual criminal law, criminological and forensic features of persons who have committed threats or violence against law enforcement officers have been explored in the works of A.V. Boyko, L.P. Brych, O.O. Kirbyatiev, V.A. Klymenko, I.D. Metelskyi, V.I. Osadchyi, M.V. Syiploki, A.M. Udod and other scientists. Therewith, many issues of criminological characteristics of victims of threats or violence against a law enforcement officer remain understudied.

The purpose of the study – based on the available empirical base, and research of scientists to summarise the criminological characteristics of victims of threats or violence against a law enforcement officer.

The scientific originality of the research consists in the fact that it: 1) characterised the victims of crimes under Art. 345 of the Criminal Code of Ukraine, based on gender, age, citizenship, marital status, information about the relationship with the criminal offender, about the service, position, and duties; 2) the categories of law enforcement officers who become victims of threats or violence are determined; 3) the positive and adverse signs and features of these persons are identified; 4) the classification of the victims of law enforcement officers by the type of their behaviour that preceded the criminally unlawful encroachment on them in the form of threats or violence is developed.

■ Outline of the Main Material

The criminal legal status of a crime victim in criminal law is quite ambiguous. Criminal legislation does not contain a definition of a victim, but in criminal law, a person becomes a victim of a crime from the moment the crime is committed, regardless of whether it was registered. It is from this point that his rights under the Criminal Code of Ukraine arise, in particular to

compensation for damages or elimination of the damage caused, and reconciliation with the perpetrator [1].

The identification of the victim is of great criminological significance in the process of preventing crimes under Art. 345 of the Criminal Code of Ukraine. This process has a three-part structure and includes:

1) prevention – elimination of causes and conditions of their commission;

2) averting – prevention of socially dangerous acts by persons who have intent, but have not committed any preparatory actions;

3) termination – stopping (interruption) of those socially dangerous acts that have already begun but have not yet been completed (applies to preparation, attempt, and ongoing and continuing crimes) [2]. At each of these stages of the development of criminal activity against law enforcement officers, the victimological aspects of socially dangerous acts under Art. 345 of the Criminal Code of Ukraine should be considered.

Victimology as the study (science) of the victim of crime provides the necessary arsenal for: 1) determining the traits, properties and personality characteristics of law enforcement officers, which increase the probability of committing attacks on them in the form of threats or violence; 2) identifying the relevant types of their behaviour; 3) identifying the main risk groups among law enforcement officers; 4) expanding the understanding of the determinants of crimes under Art. 345 of the Criminal Code of Ukraine. Thus, the investigation of the victimisation aspects of threats or violence against law enforcement officers allows the development of an efficient system of measures to prevent such attacks, which contains the necessary tools for preventive influence on these representatives of state power to prevent or at least minimise the facts of threats or violence against them.

First of all, notably, the victimisation of law enforcement officers, i. e. the socio-psychological set of traits of a person, which causes a high probability of becoming the object of a criminal encroachment [3].

Among the characteristics of law enforcement officers who have been victims of threats or violence, including those that have some victimological significance, it is necessary to highlight information about the gender, age, citizenship, marital status of these victims, relationship with the criminal offender, and information about the service, position, duties.

Gender.

Characterising the gender of the victims of the crimes under study, it should be noted that males predominate among them. However, it is conditioned upon the fact that the share of men in law enforcement agencies significantly exceeds the share of women, i.e. there is a definite gender imbalance. Therewith,

male law enforcement officers are generally more resilient, trained, and stronger, and, therefore, can actively counteract primarily physical violence. In addition, if there is a man and a woman among the partners, it is usually the man who performs the most active actions (for example, trying to resolve the conflict between citizens, stop the offence, and detain the person who committed it). It is another argument in favour of why men are much more often victims of crimes under Art. 345 of the Criminal Code of Ukraine than women. Describing the features of the victims, the interviewed officers of the Department of Internal Security of the National Police of Ukraine (hereinafter – the DIS of the NPU) emphasise the insufficient level of training of women.

Age.

The age characteristics of victims of these crimes cannot be fully disclosed, as there is no necessary information in the materials of official statistical reporting and materials from the Unified State Register of Court Decisions, which are open to the public. Despite this, it should be noted that the age of the victim is usually closely related to the experience of the law enforcement officer. Among the victims of law enforcement officers, there are both young people with little experience and a low level of professionalism, and older people who, on the contrary, have considerable experience and are quite experienced professionally. When describing the victims of these crimes, the interviewed employees of the DIS of the National Police of Ukraine identify two age categories of victims (under 30 and from 25 to 45 years) and emphasise a short work experience. The objective factor of the age limit for victims of 45 years is that it is at this age that the vast majority of law enforcement officers retire due to reaching the retirement age, ceasing to perform law enforcement functions.

Citizenship.

The study of judicial practice demonstrates that the victims are exclusively citizens of Ukraine. It is conditioned upon the fact that one of the requirements for the position of law enforcement officer is the citizenship of Ukraine. For example, by Part 1 of Article 17 of the Law of Ukraine “On the National Police”, a police officer is a citizen of Ukraine who has adopted the oath of a police officer, serves in the relevant positions in the police and has been awarded a specific police rank.

Family status.

Among the victims of crimes under Art. 345 of the Criminal Code of Ukraine, there are both married or divorced persons. No specific patterns or characteristics of this feature could be established since there is no such information in the verdicts under Art. 345 of the Criminal Code of Ukraine.

Relationship with a criminal offender.

Mostly, the injured law enforcement officer and the person who committed the crime under Art. 345 of the Criminal Code of Ukraine do not know each other. In fact, until the day of its commission, there is usually no conflict situation between these persons, which usually arises shortly before the commission of a criminal offence under Art. 345 of the Criminal Code of Ukraine, and usually lasts no more than an hour. It is mostly preceded by the administrative or criminal behaviour of a person who subsequently resorts to threats or violence against law enforcement officers.

Service, position, duties.

The study of practice demonstrates that indeed specific victimisation characteristics increase the probability of law enforcement officers who possess them becoming victims of threats or violence in the future. However, such a tendency is not always present. In some cases, individual victimisation characteristics hardly play any role. In such circumstances, a law enforcement officer is a hostage of the situation and has no option to become a victim of the crime simply by being a representative of a law enforcement agency and having to perform their duties. Scientists are right that the law enforcement function as a field of activity of the state is designed to solve the main tasks related to ensuring the protection of the constitutional order, rights and freedoms of citizens, law and order, which is proclaimed by the Constitution of Ukraine [4].

The actions of law enforcement officers in the performance of their duties in many cases became the conditions that contributed to the commission of a crime under Art. 345 of the Criminal Code of Ukraine.

The level of victimisation among law enforcement officers depends on the type of law enforcement agency and the category of officers (their affiliation to a particular service). Among all law enforcement agencies, police officers are the most frequent victims of threats or violence. It is caused, obviously, by the fact that the National Police of Ukraine, on the one hand, is the largest law enforcement agency, and on the other hand, its employees are most often in contact with offenders and ordinary citizens. They bear the main burden in combating administrative and criminal offences.

Based on the results of the study of judicial practice, it was established that the crimes under Art. 345 of the Criminal Code of Ukraine are committed against employees of the Border Guard Service, penitentiary bodies and institutions, and state forest protection bodies.

The largest number of victims is typical for patrol police officers. Less often, the victims are

investigators, operatives, district police officers, inspectors of the juvenile prevention sector, and employees of other services.

The most vulnerable to threats or violence are the police officers who have the most contact with the public (patrol police, PSCs, DPOs, community police officers) and police officers who perform investigative and operational activities (investigators, frontline officers, inquirers).

Uniform. Threats or violence of criminal offenders is in some way provoked by the uniform of police officers. As scientists rightly note, for the perpetrators it is a particular irritant and establishes an impulse that affects decision-making [5]. For example, ATO participant Person_1, being intoxicated, saw police officer Person_4 returning home from a day shift in uniform. According to Person_1, the policeman had untidy clothes. Thus, he called the police officer Person_4 to him and began to insult him with coarse obscene language, mock and humiliate him, pulled out a gas can, and deliberately sprayed its contents in the face of the victim Person_1, which caused the latter bodily injuries that belong to light bodily injuries as such that have minor short-term consequences [6].

Describing the victims of crimes under Art. 345 of the Criminal Code of Ukraine, the interviewed officers of the State Department of Internal Affairs of Ukraine distinguish their various features and traits, which can be divided into positive (those that should be possessed by a law enforcement officer) and adverse (those that should be absent).

Notably, in theory, and practice there is no common understanding of the concept of "law enforcement agency" [7]. Positive traits include conscientiousness, responsibility and perseverance in the performance of official duties, a keen sense of justice, specific skills, integrity in decision-making by the current legislation, and the fact that law enforcement officers did not agree to receive an undue advantage.

Instead, the vast majority of features named by respondents are adverse. The following groups can be distinguished among them:

1) adverse character traits (insufficient level of stress resistance, excessive gullibility, impulsiveness, recklessness, easy predictability, emotional (excessive) intemperance, insufficient moral stability, low social responsibility, aggressiveness, inattention, carelessness, carelessness, ill-mannered, low self-esteem, excessive softness in critical situations);

2) lack of the necessary level of knowledge, skills and abilities¹ (insufficient level of physical fitness, lack of experience and skills in communicating with offenders, lack of awareness, poor orientation in the situation, inability to make prompt decisions on taking

efficient measures to stop unlawful acts, insufficient knowledge of the regulations governing law enforcement, their rights and duties, unprofessionalism, inability to objectively assess the situation and take control of the offender's behaviour, tactical unpreparedness, psychological unpreparedness to counter provocations in conflict situations);

3) lack of confidence in the efficient protection of law enforcement officers (law enforcement officers do not experience proper legislative protection, some officers do not believe that proceedings against persons committing threats or violence will be brought to court, they are afraid to use physical force, special means and firearms if there are necessary grounds due to possible adverse consequences from the controlling authorities 2).

4) condition (intoxication or fatigue);

The lack of the necessary level of knowledge, skills and abilities concerns primarily measures to detain the offender, using specific means, much less often – firearms (inability or fear to use them in necessary cases).

Despite this, in practice using physical force and specific means in necessary cases is quite common. Instead, the study of judicial practice demonstrates that using firearms is extremely rare (for example, it was used to stop a vehicle [8]).

5) regional mentality, worldview developed in a particular area over the years regarding tolerance to the generally accepted adverse attitude and appropriate response to any actions of law enforcement officers, given the rejection/ignoring of the institution of public administration as such (inherent in law enforcement officers who work and permanently reside in areas of compact residence of ethnic nationalities or places of resettlement of persons who have previously served criminal sentences related to imprisonment, the so-called "deportations" (widespread during the Soviet era);

6) low income, low living standards and material security. It should be agreed with V. Plekan that "the state cannot provide opportunities for representatives of the authorities to live decently in material terms. As a consequence, there is degeneration, deterioration of moral principles in the performance of official duties, and high moral principles and ethical provisions are mostly not implemented and remain declarative" [9]. Some of the interviewed employees of the Internal Security Department of the National Police of Ukraine among the victims of threats or violence against law enforcement officers call people with a weak character – these are employees who try to choose a simple and easily accessible way to solve the problem without establishing unnecessary obstacles, they try not to overcome difficulties, but

to avoid them, are insecure, unable to defend their position, easily influenced by law violators.

It is the presence of adverse traits that most provokes the commission of a crime under Art. 345 of the Criminal Code of Ukraine, and they should be primarily considered in the victimological prevention of these criminal offences.

To some extent, the respondents can be agreed that it is impossible to define the victims by their character traits, social status or demographic characteristics, since each event is individual and occurs under circumstances not related to the law enforcement officer, but depends on the personality of the offender, their low social responsibility and moral qualities.

In addition, one respondent noted that it is not possible to give a definite answer regarding the characteristics of victims of threats or violence. In his opinion, these are usually citizens who have mainly legal education and specific skills related to the type of duties performed, who have a keen sense of justice (a principled investigator who, being aware of the risks, still honestly performs his duty) or vice versa, believe that the nature of things in society is unchanging and constant (a passive patrol officer who, despite the defendant's audacity, on the contrary, tries to avoid the aggravation of the conflict, thereby causing unimpeded violence against him). However, the vast majority of such victims are persons who, despite the potential risks and threats, continue to consistently and systematically perform their specific functions as law enforcement officers to prevent more significant harm, ensure public safety and order, and the normal existence and functioning of all social relations without exception. Thus, law enforcement officers are under specific, separately provided, criminal legal protection of the state.

The respondents highlighted some features of victimisation traits of some categories of police officers. For example, when describing patrol police officers who suffered from threats or violence, respondents noted their insufficient level of physical and psychological training, inability to communicate with detainees, and the presence of female representatives among them. The victims-investigators have a principled position during the investigation of criminal proceedings, insufficient level of professional training, unwillingness to work, negligence, insufficient level of verbal training, a tendency to obtain an undue advantage, failure to comply with agreements with the accused, from whom they have already received undue advantage, falsification of evidence.

Victim behaviour of law enforcement officers, which causes threats or violence against them, includes failure to use physical force, special means

and firearms in necessary cases; non-compliance with safety rules; excessive risk (quite often law enforcement officers act independently, without waiting for backup, in situations where the assistance of colleagues is required); overestimation of their ability to understand the danger from the offender; loss of vigilance; committing ill-considered, uncoordinated, unprofessional, illegal actions.

The tendency of individual law enforcement officers to become a victim of threats or violence is mainly associated with their professional and psychological deformation, the manifestation of which is such adverse characteristics of law enforcement officers as rudeness, arrogance, ambition towards citizens who seek their assistance, and towards detainees for committing law violations [10].

According to V.V. Korolev, the objective determinants of professional deformation are shortcomings in the selection of personnel for positions related to the performance of public order duties; their training to perform these duties; organisation of this work and its material and technical support. Subjective determinants are divided into those developed outside the service and those developed in the conditions of work in law enforcement agencies. The first includes features of innate and acquired personal qualities that impede the proper performance of public order duties. The second is the loss of business qualities caused by the adverse impact of the service environment or the lack of practice in extreme situations [11]. Instead, O.O. Kirbyatiev mentions a low level of professional knowledge; lack of appropriate value orientations; insufficient professional motivation; lack of appropriate conditions for professional activity; the discrepancy between the official functions and duties of the employee and their powers and rights; tension caused by conflicts with management, employees, citizens as subjective causes of professional deformation of law enforcement officers [12].

One of the factors of threats or violence against a law enforcement officer is the victim behaviour of law enforcement officers, which can be classified as socially useful (lawful, positive), reckless (frivolous), illegal, and antisocial (immoral).

Considering the specifics of the victims of crimes under Art. 345 of the Criminal Code of Ukraine, threats or violence against a law enforcement officer are most often caused by the socially useful (lawful, positive) behaviour of the victim. It occurs most frequently as, on the one hand, it is within the competence of law enforcement (e.g. detection and suppression of offences, bringing perpetrators to legal responsibility, ensuring public order and public safety, etc. M.B. Mokhovyi rightly notes that the

perpetrators expressed their adverse attitude to the authorities in response to the presentation of legal requirements to stop the offence, to present identification documents, and to the attempt to detain and deliver the offenders [13]. For example, according to the defendant's explanations, the reason for the death threat to the patrolman was the handcuffing of the defendant [14].

Quite often such behaviour is in the form of repressions against citizens, rather than assisting society and the state (as an example – the events of 2013-2014 that occurred in Kyiv, during the “Revolution of Dignity”). Therefore, it is not surprising that a significant number of citizens are convinced that violence against offenders is widespread among the police (in some cases, it does happen).

Reckless (frivolous) behaviour occurs in cases of non-compliance by law enforcement officers with basic rules of personal safety, performing excessively risky actions, failure to take appropriate measures (for example, not handcuffing the detainee when required by circumstances, loss of vigilance when communicating with the offender).

In some cases, threats or violence against a law enforcement officer may be caused by the victim's misconduct, which consists in committing an offence – abuse of power, extortion of undue advantage, being intoxicated while performing official duties, non-performance or improper performance of duties, etc.

The reason for committing a crime under Art. 345 of the Criminal Code of Ukraine, in some cases, is the asocial (immoral) behaviour of law enforcement officers, which consists of humiliation and insulting citizens, disrespectful attitude to them, excessive aggression, etc.

Illegal and antisocial (immoral) behaviour of law enforcement officers can be called provocative, as these types of behaviour provoke people to commit a crime under Art. 345 of the Criminal Code of Ukraine.

In the activities of law enforcement, these types of behaviour may overlap, i. e. exist in, as it were, a mixed form. In practice, there are manifestations of both individual types of such victim behaviour and their combination. For example, antisocial (immoral) and illegal or socially useful (lawful, positive) and reckless (frivolous) behaviour of the victim can be combined.

Each of these types of behaviour has specific characteristics related to the specific features of both the law enforcement agency, its unit and the individual position of a law enforcement officer.

These types of behaviour can become the foundation for the development of a typology of victims

of the crimes under study. Considering the above, the victims of law enforcement officers can be divided into: 1) persons in whose actions it is socially useful (lawful, positive) behaviour; 2) reckless (frivolous); 3) persons who acted illegally; 4) persons with antisocial (immoral) behaviour.

The theoretical significance of the typology of victims of crime is to determine the role of the victim of crime in the mechanism of criminal behaviour and the nature of the causes and conditions that contribute to the emergence and increase of victimisation. Questions require answers as to why some people are more frequent victims of crime than others and what role the relationship between victim and perpetrator plays in the genesis of criminological mechanisms. In practice, the typology of crime victims is necessary for the development and implementation of anti-victimisation measures for potential victims of crime, and to protect actual victims of crime from secondary victimisation [15].

■ Conclusions

1. Among law enforcement officers who became victims of threats or violence, young men (25 to 45 years old) with short work experience prevail. In most cases, the victim law enforcement officer and the person who committed the crime under Art. 345 of the Criminal Code of Ukraine do not know each other.

2. The level of victimisation among law enforcement officers depends on the type of law enforcement agency and the category of officers (their affiliation to a particular service). Based on the results of the study of judicial practice, it was established that the crimes under Art. 345 of the Criminal Code of Ukraine are most often committed against police officers, and much less often - against employees of other law enforcement agencies (border guard service, penitentiary institutions, state forest protection bodies, etc.) The largest number of victims is common for the patrol police service. Less often, the victims are investigators, operatives, district police officers, inspectors of the juvenile prevention sector, and employees of other services.

3. Signs and features of victims of crimes under Art. 345 of the Criminal Code of Ukraine can be divided into positive (those that a law enforcement officer should have) and adverse (those that they should not have). In practice, adverse attributes and traits prevail, which can be divided into the following groups: 1) adverse character traits; 2) lack of the necessary level of knowledge, skills and abilities; 3) lack of confidence in the effective protection of law enforcement officers; 4) condition (alcohol intoxication or fatigue); 5) low income, low standard of living and material security; 6) regional mentality,

worldview formed in a specific area over the years regarding tolerance of generally accepted adverse attitudes and appropriate response to any actions of law enforcement officers, due to rejection/ignoring of the institution of public administration as such;

4. In many cases, some victimological features of law enforcement officers are essential in determining threats or violence against them, as they provoke such socially dangerous acts and facilitate their commission. However, some character traits of law enforcement officers, their social status, demographic characteristics, and other features are not always in direct or indirect causal connection with the commission of a crime under Art. 345 of the Criminal Code

of Ukraine. Thus, a law enforcement officer who is ideal from the standpoint of victimisation prevention (for example, a well-trained police officer who acts lawfully at a high professional level) can become a victim. Thus, the victimology approach to preventing threats or violence against law enforcement officers should not be idealised, although it is crucial, and in some cases decisive, in preventing these criminal acts.

5. Victims of law enforcement can be divided into: 1) persons in whose actions there is socially useful (lawful, positive) behaviour; 2) reckless (frivolous); 3) persons who acted illegally; 4) persons with asocial (immoral) behaviour.

■ References

- [1] Dietochka, A.Yu. (2021). To the characteristic of tasks of public service of law enforcement character. *Legal science*, 2(104), 123-129. doi: 10.32844/2222-5374-2020-104-2.15.
- [2] Gamidov, R.T. (2010). Application of violence against a government official: criminal law and criminological research (on the example of the Republic of Dagestan). *Extended abstract of candidate's thesis*. Moscow.
- [3] Korolev, V.V. (2005). Criminological characteristics and prevention of encroachments on the life of law enforcement officers. *Candidate's thesis*. Moscow.
- [4] Kyrbiatiev, O. (2019). Professional deformation of the identity of a law enforcement officer as a reason for improper performance of their duties. *Legal Bulletin*, 4, 204-210. doi: 10.32837/yuv.v0i4.992.
- [5] Lutsenko, I.H. (2021). *Typology of victims of crimes: criminological analysis*. Czestochowa, Republic of Poland: Baltija Publishing. doi: 10.30525/978-9934-26-074-2-51.
- [6] Makotchenko, L.M. (2019). Determination of excess of power or official authority by a law enforcement officer. *Scientific Bulletin of Dnipropetrovsk State University of Internal Affairs*, 2, 162-166. doi: 10.31733/2078-3566-2019-2-162-166.
- [7] Mokhovoy, M.B. (2004). Criminological characteristics and prevention of crimes encroaching on government officials. *Candidate's thesis*. Krasnodar.
- [8] Plekan, V. (2021). Features and causes of corruption in law enforcement agencies of Ukraine. *Entrepreneurship, economy and law*, 4, 231-238. doi: 10.32849/2663-5313/2021.4.36.
- [9] Sokurenko, V.V., & Bandurka, O.M. (et al.). (2021). *Great Ukrainian criminological encyclopedia*. 1(2). Kharkiv: Fakt.
- [10] Ustrytska, N.I. (2019). Criminal-legal characteristics of victims of a crime under Art. 347 of the Criminal Code of Ukraine. *Comparative and analytical law*, 5, 355-357. doi: 10.32782/2524-0390/2019.5.91.
- [11] Vozniuk, A.A. (2016). Conceptual principles of prevention of socially dangerous acts. *Scientific Bulletin of the National Academy of Internal Affairs*, 2(99), 156-165.
- [12] Vozniuk, A.A., & Kuzmichova-Kyslenko, Ye.V. (2017). Problems of identification of the victim from violation of rules of traffic safety or operation of transport by the persons driving vehicles. *Scientific Bulletin of the National Academy of Internal Affairs*, 3(104), 210-218.
- [13] The verdict of the Novopetrovsky district court of the Luhansk region No. 417/5504/18. (2021, January). Retrieved from <https://reyestr.court.gov.ua/Review/94159025>.
- [14] The verdict of the Vinnytsia City Court of the Vinnytsia region No. 127/18389/20. (2021, January). Retrieved from <https://reyestr.court.gov.ua/Review/94401920>.
- [15] The verdict of the Zhovtnevy District Court of Kryvyi Rih No. 212/8903/20. (2021, February). Retrieved from <https://reyestr.court.gov.ua/Review/94152537>.

■ Список використаних джерел

- [1] Дєточка А. Ю. До характеристики завдань державної служби правоохоронного характеру. *Юридична наука*. 2021. № 2 (104). С. 123–129. doi: 10.32844/2222-5374-2020-104-2.15.

- [2] Гамидов Р. Т. Применение насилия в отношении представителя власти: уголовно-правовое и криминологическое исследование (на примере Республики Дагестан) : автореф. дис. ... канд. юрид. наук : 12.00.08. М., 2010. 30 с.
- [3] Королев В. В. Криминологическая характеристика и предупреждение посягательств на жизнь сотрудников правоохранительных органов : дис канд. юрид. наук : 12.00.08. М., 2005. 204 с.
- [4] Кирбят'єв О. Професійна деформація особистості працівника правоохоронного органу як причина неналежного виконання своїх обов'язків. Юридичний вісник. 2019. № 4 С. 204–210. doi: 10.32837/yuv.v0i4.992.
- [5] Луценко І. Г. Типологізація жертв злочинів: криминологічний аналіз. Czestochowa, Republic of Poland : Baltija Publishing, 2021. С. 197–201. doi: 10.30525/978-9934-26-074-2-51.
- [6] Макотченко Л. М. Детермінація перевищення влади або службових повноважень працівником правоохоронного органу. Науковий вісник Дніпропетровського державного університету внутрішніх справ 2019. № 2. С. 162–166. doi: 10.31733/2078-3566-2019-2-162-166.
- [7] Моховой М. Б. Криминологическая характеристика и предупреждение преступлений, посягающих на представителей власти : дис. ... канд. юрид. наук : 12.00.08. Краснодар, 2004. 230 с.
- [8] Плекан В. Особливості та причини виникнення корупції в правоохоронних органах України. Підприємництво, господарство і право. 2021. № 4. С. 231–238. doi: 10.32849/2663-5313/2021.4.36.
- [9] Велика українська криминологічна енциклопедія : у 2 т. / [редкол.: В. В. Сокурєнко (голова), О. М. Бандурка (сівголова) та ін.] ; наук. ред. О. М. Литвинов. Харків : Факт, 2021. Т. 1 : А-Л. 853 с.
- [10] Устрицька Н. І. Кримінально-правова характеристика потерпілих від злочину, передбаченого ст. 347 КК України. Порівняльно-аналітичне право. 2019. № 5. С. 355–357. doi: 10.32782/2524-0390/2019.5.91.
- [11] Вознюк А. А. Концептуальні засади запобігання суспільно небезпечним діям. Науковий вісник Національної академії внутрішніх справ. 2016. № 2 (99). С. 156–165.
- [12] Вознюк А. А., Кузьмічова-Кисленко Є. В. Проблеми встановлення потерпілого від порушення правил безпеки дорожнього руху чи експлуатації транспорту особами, які керують транспортними засобами. Науковий вісник Національної академії внутрішніх справ. 2017. № 3 (104). С. 210–218.
- [13] Вирок Новопсковського районного суду Луганської області від 13 січ. 2021 р. у справі № 417/5504/18. URL: <https://reyestr.court.gov.ua/Review/94159025>.
- [14] Вирок Вінницького міського суду Вінницької області від 26 січ. 2021 р. у справі № 127/18389/20. URL: <https://reyestr.court.gov.ua/Review94401920>.
- [15] Вирок Жовтневого районного суду м. Кривого Рогу від 15 лют. 2021 р. у справі № 212/8903/20. URL: <https://reyestr.court.gov.ua/Review/94152537>.

Кримінологічна характеристика потерпілих від погрози або насильства щодо працівника правоохоронного органу

В. П. Беленок

Здобувач наукової лабораторії з проблем протидії злочинності навчально-наукового
інституту № 1 Національної академії внутрішніх справ,

м. Київ

<https://orcid.org/0000-0001-8214-0522>

■ **Анотація.** Мета статті – на підставі наявної емпіричної бази, а також досліджень учених узагальнити кримінологічні ознаки потерпілих від погроз або насильства щодо працівника правоохоронного органу. У статті використано комплекс наукових методів, а саме: термінологічний, системно-структурний, формально-логічний, порівняльно-правовий. Теоретичне підґрунтя дослідження становлять праці українських й іноземних учених, положення Кримінального кодексу України, а також практика його застосування. Наукова новизна статті полягає в тому, що в ній: 1) схарактеризовано потерпілих від злочинів, передбачених ст. 345 Кримінального кодексу України, за ознаками статі, віку, громадянства, сімейного стану, відомостями про взаємини з кримінальним правопорушником, про службу, посаду, обов'язки; 2) визначено категорії правоохоронців, які стають жертвами погроз або насильства; 3) окреслено позитивні й негативні ознаки та риси цих осіб; 4) розроблено класифікацію потерпілих правоохоронців за видом їх поведінки, що передувала кримінально противним посяганням на них у формі погроз або насильства. За результатами здійсненого дослідження сформульовано такі висновки: 1) серед правоохоронців, які стали потерпілими від погроз або насильства, переважають особи чоловічої статі молодого віку (від 25-ти до 45 років) з незначним стажем роботи; 2) злочини, передбачені ст. 345 Кримінального кодексу України, найчастіше вчиняють стосовно поліцейських, значно рідше – щодо працівників інших правоохоронних органів (прикордонної служби, органів й установ виконання покарань, органів державної лісової охорони тощо); 3) найбільшою є кількість жертв серед працівників патрульної поліції (рідше потерпілими стають слідчі, оперативні працівники, дільничні офіцери поліції, інспектори сектору ювенальної превенції, працівники інших служб); 4) негативні ознаки та риси потерпілих від злочинів, передбачених ст. 345 Кримінального кодексу України, які переважають на практиці, можна поділити на такі групи: а) негативні риси характеру; б) брак необхідного рівня знань, умінь і навичок; в) зневіра в ефективному захисті працівників правоохоронних органів; г) стан (алкогольного сп'яніння або перевтоми); д) регіональний менталітет, світогляд, сформований у певній місцевості; е) низький рівень доходу, життя та матеріального забезпечення; 5) не завжди певні риси характеру правоохоронця, його соціальний статус, демографічні ознаки, інші особливості безпосередньо чи опосередковано пов'язані з учиненням злочину, передбаченого ст. 345 Кримінального кодексу України; 6) потерпілих правоохоронців можна умовно об'єднати в такі групи: а) особи, у діях яких наявна суспільно корисна (правомірна, позитивна) поведінка; б) необачні (легковажні); в) особи, які діяли неправомірно; г) особи з асоціальною (аморальною) поведінкою

■ **Ключові слова:** погроза; насильство; працівник правоохоронного органу; потерпілий; жертва злочину; віктимність; віктимологія