

CRIMINAL ACTIVITY: CONCEPT AND CONTENT

^aANATOLII STARUSHKEVYCH, ^bANNA HREBENYUK,
^cVIOLLETA FEDCHYSHYNA, ^dLUDMILA STASIUK, ^eIVAN
BANDURA, ^fOLEKSANDR HOLOVKO

^a*University of Modern Knowledge, 57/3, Velyka Vasylkivska Str.,
03150, Kyiv, Ukraine*

^{b,c}*National Academy of the Security Service of Ukraine, 22,
Maksymovycha Str., 03022, Kyiv, Ukraine*

^d*National Academy of Internal Affairs, 1, Solomianska Sqr.,
03035, Kyiv, Ukraine*

^e*Private Higher Education Institution "Academy of Recreational
Technologies and Law", 2, Karbysheva Str., 43023, Lutsk,
Ukraine*

^f*Judge of the Svyatoshyh District Court, 27a, Yakub Kolasa Str.,
03148, Kyiv, Ukraine*

email: ^astargdoc@gmail.com,

^balefinaandrievskaya@gmail.com, ^cviolleta@meta.ua,

^dludmilastasuk7@gmail.com, ^einbox@sv.ki.court.gov.ua,

^fsashaalinayana@gmail.com

Abstract: The article examines the concept and content of criminal activity from the perspective of criminology. It establishes that criminal activity aligns with the general scientific approach, which defines it as the active influence of a social subject on an object using specific means (methods, techniques, and tools) to achieve a particular goal. Criminal activity is presented not only as an illegal act but also as a social phenomenon and an element of criminal behavior, constituting a separate component.

The insufficient level of comprehensive knowledge about the nature and laws governing the development of criminal activity leads to the inevitable professionalization of criminals, the spread of organized crime, especially in the economic sphere, and, most importantly, negatively affects the effectiveness and quality of countering such illegal manifestations.

Keywords: criminal activity; organised crime; professionalisation of criminals; forensic analysis of criminal activity; activity approach in criminology; object of criminology research.

1 Introduction

Many authors today emphasize the need to study criminal activity from criminal-legal, criminological, social, psychological, and forensic perspectives. In criminology, the meaning of this concept is often limited to individual acts of crime, such as specific movements, actions, and operations. Historically, confusion has arisen between "crime" and "criminal activity," with some equating a criminal act to criminal activity itself.

Criminal activity can be viewed as a set of actions and movements aimed at realizing or satisfying needs. While crime and criminal activity can be identified, criminal activity represents a broader concept—it is a way of existence and a procedure for life support, not just specific acts aimed at achieving certain criminal goals. Therefore, "criminal activity" is a more comprehensive category than "crime," "criminal behavior," and "mechanism of crime," encompassing these as separate components.

Since the concept, essence, and content of criminal activity in criminology have not yet been definitively resolved and remain subjects of active discussion among scientists, there is an urgent need to explore these issues further.

2 Literature Review

The problems of criminal activity in criminology have been examined in the publications of V. P. Bakhin [1; 2; 3; 6], M. V. Danshyn [9], S. F. Denysiuk [10], S. V. Ievdokymenko [13], N. S. Karpov [14; 15; 16; 17], A. V. Khirsin [18; 19], V. S. Kuzmichov [20; 21], V. O. Sakalo [25; 26; 27; 28], M. V. Saltevsyyi [29], V. V. Tishchenko [31; 32; 33; 34; 35], and other scholars.

However, these issues were addressed approximately twenty years ago, under different conditions for combating crime and within the framework of Ukraine's previous criminal procedural

legislation. Therefore, there is a need to revisit these problems in light of contemporary circumstances.

3 Materials and Methods

In the research process, a comprehensive approach was employed, incorporating various scientific methods to thoroughly address all aspects of this issue.

In particular, the observation method was used to directly study empirical data on the characteristic features of criminal activity, methods of its implementation, and ways of avoiding responsibility.

The comparison method enabled the examination of different types of criminal activity, identifying their common features and differences, as well as general trends and specific characteristics of each type of crime. This comparison was conducted both nationally and internationally, allowing for the consideration of cultural, social, and economic factors influencing crime.

The method of abstraction was employed to highlight the main characteristics of criminal activity, abstracting them from specific cases. This facilitated the formation of a generalized understanding of criminal activity as a social phenomenon, identifying its main elements and structure.

The abstraction method also aided in formulating theoretical propositions for further research and practical application of the obtained results.

Methods of analysis and synthesis were utilized for a detailed study of the constituent parts of criminal activity and their interactions. The analysis allowed for the examination of individual elements of criminal activity, such as motives, goals, methods of committing crimes, and consequences. Synthesis, in turn, combined these elements into a single system, enabling an understanding of criminal activity as a holistic phenomenon. The use of analysis and synthesis contributed to a deep and comprehensive understanding of criminal activity, its causes, and conditions.

Data sources for the study included scientific publications, statistical reports, and information obtained from observations and surveys. The application of various methods ensured the acquisition of objective and reliable results, reflecting the main aspects of the concept and content of criminal activity.

4 Results and Discussion

Interaction with the environment is essential for the functioning of any open, self-governing system. This interaction involves the exchange of energy and matter with the environment, taking various forms but always related to the system's activity, such as energy consumption for adaptation. This concept applies to humans, who are self-regulating systems of the highest complexity. Humans actively influence their environment, adapting to it while responding to internal and external stimuli. The most general concept of human interaction with the surrounding world is termed activity [36]. This concept is inherent in all living beings and self-governing technical systems, from the simplest automatic devices to sophisticated modern computers.

In a broad sense, behavior is a form of activity in higher animals, mentally controlled and regulated. Narrowly defined, behavior consists of human actions reflecting one's attitude towards oneself, society, and others. Scientists rightly note that "the concept of behavior carries a moral and emotional-volitional aspect, which is expressed through the subject's relationship with other people who can give an appropriate assessment in this regard" [35]. Therefore, behavior is considered both a legal and an ethical category, with moral and psychological elements clearly manifested. Behavior can thus be defined as a person's actions in accordance with moral principles and laws.

Some authors argue there is a need for more precise and differentiated definitions of activity in psychological or philosophical literature. Most scientists and philosophers define activity broadly as human behavior. The classics of Marxism often mention: "What is life if it is not activity?" [24]. They clarify that the inner meaning of activity is: "A person makes his life activity the subject of his will and his consciousness. Her life activity is conscious" [24].

Some authors note that "activity" relates to the concept of "human activity" as a species and genus. This means people have one overarching activity and various types of activities. In psychological literature, human behavior (activity) is usually divided into three types: voluntary (purposeful volitional behavior), impulsive, and habitual. It is noted: "Behavior can be inconsistent, jumping from one to another, often unmotivated actions, or relatively consistent, as a certain chain, a system of actions united by a common goal, motives, etc." Moreover, "the material conditions of her life determine human behavior, the type of activity, and significantly depend on the type of nervous system, structure, and orientation of the psyche" [36].

However, psychology considers only purposeful activity consisting of a system of voluntary actions as true activity, that is, specific human influence on the environment, aimed at its change and transformation from the subject's point of view.

A single act cannot always satisfy a person's need for certain goods caused by external or internal stimuli. Consequently, people plan and carry out a series of behavioral acts, or "activity." Systematic activity is guided by a single program and a common motive for all actions involved. Each action aims to achieve its goal, considering past actions and planning future ones. Therefore, human activity can be defined as a system of consciousness subordinated to a single program of actions, determined by a common motive and aimed at changing and transforming both the external world and the individual as the subject of this activity.

In summary, human activity is driven by general motives, leading to a system of consciousness subordinated to a single program of actions intended to change and transform both the external world and the subject of such activity. Although activity is a type of human behavior, it is not the only type, as many behavioral actions occur without specific reasons. Thus, not every activity can be called behavior in its moral and legal (i.e., narrow) sense. The concepts of "activity" and "behavior" are distinct, with neither absorbing the other; they intersect as scientific ideas. Human activities are as varied as their needs and desires.

The category "object" in the philosophical sense is an epistemological characteristic of the aspects of things and phenomena in the objective world (material and ideal) toward which a person's practical and cognitive activity is directed. In specific types of activity, the object of study can be various aspects of objects, phenomena, processes, events, and their relationships [22].

Even at the beginning of the formation of criminology, two primary poles were defined in the object of its research: 1) criminal activity and 2) detection, disclosure, and investigation of crimes. For example, the founder of scientific criminology, H. Gross, wrote at the end of the 19th century: "Criminal science by its nature begins only where criminal law, also by its nature, completes its work: substantive criminal law has as its subject the study of a criminal act and punishment, formal criminal law (process) includes the rules of application of substantive criminal law. But in what way are crimes committed? How can we investigate these methods and reveal them? What were the motives for committing them, and what goals were considered? Neither criminal law nor the process tells us about all this. This is the subject of criminology..." [12]. Gross emphasized the need for criminology to study the components of criminal activity—methods, motives, and goals—which he attributed to the subject of this science.

The central element of activity is a person (subject of activity). Gross identifies the subjects of both types of activity: criminal—the criminal; and criminal investigation—the investigative judge, expert. He notes: "Criminology, as a study of the realities of criminal law, to which the person himself (criminal, witness, expert, and judge) should be considered first of all, reveals to us the essence of criminal acts, their beginning, their constituent parts, their further implementation, and their goals" [12].

Highlighting the two main objects of criminology, Gross outlines them in the prospective plan of his upcoming book: "The first part of the future edition should contain manifestations of crime in an objective relation, with a division into manifestations of general properties: the nature of criminals, their methods, language, signs, simulation, lies, superstitions, etc., and manifestations for certain crimes... [12]. The second part will contain exclusively practical information: about the actions of the judicial investigator, about his preparation for interrogations, about the handling of passports, about weapons, traces, etc., and, in the end, about practical issues that arise during the investigation of individual crimes. If a new edition is needed, the book will appear as a 'criminology system':

1st part: 'Theoretical teaching about manifestations of crimes'.
2nd part: 'Practical guide for conducting an investigation'" [12].

Gross identifies criminal activities as objects in criminology, with their reflection on the surrounding reality—"manifestations of crimes"—and the activity of investigating crimes—"conducting an investigation."

In the 1920s, European authors and founders of Soviet criminology insisted on separating and studying these two objects in criminology. G. Shneikert wrote that "the subject of proof is both external factors (for example, criminal activity, the method of its execution, its consequences, time and place of action) and internal factors (guilt, motive, and purpose of the act, as well as prudence or error)" [30]. Further, "the entire activity of the interrogating body is focused on capturing these hidden ideas and knowledge from the interrogated, pushing him to awareness, which will not only facilitate further investigative work but also make it more successful" [30].

Subsequent Soviet criminologists also emphasized the need to study criminal activity to improve the theory and practice of investigation [38]. However, they often limited the concept of this activity, reducing it to the commission of a separate criminal act, the behavior of a criminal, or the mechanism of a crime.

In the 1990s, some publications highlighted that if "criminal activity" is to be considered a subject of criminology, then the focus should not be on the "method of crime" but more accurately on the "mechanism of crime," that is, the system of "criminal activity," in which the method of crime is only one component. However, this approach is not entirely successful because it is impossible to equate the "mechanism of crime" with the system of "criminal activity." The former term provides a complete description of how a specific crime is committed, while the latter reveals how crime exists and operates in society at a particular historical stage of its development.

Therefore, in subsequent publications, it was rightly noted that "crime" is not the same as "criminal activity." Proposals have been made to base the forensic study of crime on the general theory of activity, investigating this object by highlighting: 1) motive, purpose, attitude; 2) methods of activity; 3) tools and means of activity; and 4) performance results" [3].

Later, scientists reached an unequivocal conclusion about the need to study criminal activity: "Criminal activity is the first element of a complex object of criminology. Its study is necessary because the investigator, to perform his work successfully, must have special knowledge about the commission of crimes, including the typological features of criminals, the peculiarities of criminal methods, and the characteristic traces they leave" [9].

The initial step in the study of criminal activity involves identifying and analyzing a set of material traces, objects, or elements that define a crime as a phenomenon or event.

Previously, we clarified the concepts of “activity” and “human activity” and revealed their meaning. In philosophy, activity is described as a particular form of a person’s active attitude toward the surrounding world.

However, in addition to the characteristic of “activity,” activity is also described as a way of existence for a person, providing conditions for his vital functions [18; 23]. This emphasizes the positive and valuable nature of activity for society. However, the anti-social essence of criminal activity as a type of human activity is also rightly highlighted: “It is necessary to study the practice of illegal activity, i.e., the activity of persons who purposefully oppose their interests and behavior to the law and the interests of society. This activity is determined by the objective laws of the development of this society, has a specific and diverse content, and proceeds according to its laws of functioning. All aspects of this activity should be investigated, not just its results—committed crimes” [2].

One must agree with this proposal because any actions and operations aimed at ensuring a person’s existence and adapting to the surrounding living conditions belong to the category of human activity. Regardless of how much we divide activity as a way of human existence into various “structural” units by subject, method of activity, and specific subject-performer, this division in a socio-historical perspective can be endless. Ultimately, however, each unit will inherently be an activity if it expresses human existence. Even a parasitic way of life is not idleness, as a person is not idle biologically and socially [4].

Criminals do not contribute anything useful to society, but for their existence, they are forced to act actively. In modern conditions, their activity has reached such a level of interference in the socio-economic conditions of society that it can endanger the foundations of state life. In other words, crime is an objective social phenomenon that the state must address, especially in the context of organized crime. It is evident that crime and criminal activity are formed and determined by the environment; they adapt to these conditions since society does nothing for their existence and development.

Crime forces people to seek and use new ways of livelihood to combat crime. At the same time, criminal activity serves as a “stimulus” for the development of modern society. This requires forecasting the future development of crime and certain forms of criminal activity: “The provisions of forensic prognostication contribute to the anticipatory assessment and understanding of reality, explaining the complex dynamics of certain processes of criminal activity in the future (modification of existing and emergence of new spheres of realization of criminal intentions and objects of encroachment, means of preparing, committing, and concealing crimes) and, accordingly, possible changes in the activity of uncovering, investigating, and preventing these changing criminal manifestations” [39].

All human actions occur under conditions of opposition to the forces of nature and state control. Regarding criminal activity, the state and society purposefully oppose its growth and existence. Consequently, this forces criminals to improve their methods, means, and forms of organizing their criminal activities. Criminals often stay ahead of law enforcement agencies in terms of the means they use. Law enforcement agencies frequently face a lack of resources, whereas criminals usually have everything they need to carry out their activities [3].

Authors of various publications identify different elements of activity, differing in name and number [23; 37]. These differences relate to the approaches and goals of the analysis rather than differences in understanding this scientific category. We believe that the most critical elements of criminal activity are the following: goal, object, subject, means, and process.

In the most general sense, criminal activity aims to ensure the conditions of existence for those engaged in it. The goals for which a person engages in criminal activities can vary, including enrichment, revenge, the desire for fame, social protest, etc.

The object of activity is what it directly aims at in achieving its goal. Activity always targets objective reality (nature and social environment) [18; 37]. Depending on its type, the object of activity can be the natural environment, products of previous activities, a system of social relations, people, etc. The objects of criminal activity are material objects, people, and legal relations, as crime always aims at transforming material objects (destruction, alteration), influencing people (from elementary deception to murder), or changing the nature of legal relations (deprivation or transfer of property rights, etc.). Thus, the object of criminal activity corresponds to a particular component of human activity.

It is well-known that without a subject, there is no activity. The subject of criminal activity acts like any other person, but his activity is markedly different. First, it is distinguished by the clear antisocial orientation of the person and his actions. Second, this orientation results in the illegal and often covert (hidden) nature of his actions.

A participant (subject) of criminal activity must have specific knowledge, skills, and sometimes character traits that enable him to act violently and defiantly to commit a particular crime. In their criminal activities, as in any other type of activity, criminals use the accumulated experience of their predecessors and their own experience, which allows them to achieve their goals, often remain unpunished, and improve their methods. Individual experience, reflected in the ways of committing a crime, is essential for combating crime because it enables perpetrators to commit new criminal offenses based on the characteristics of previously committed crimes.

Each type of activity has its means and methods. The goals of criminal activity, conditions for its implementation, types of crimes, and other factors determine these means. The process of implementing the activity is always correlated with its purpose, and the means serve to fulfill the purpose and the functions provided for by the purpose. Accordingly, the methods of committing crimes are divided into two main groups. The first group includes material objects designed to achieve a specific impact on an object (e.g., weapons, tools, transport), while the second group includes psychological or other actions aimed at achieving a goal without using direct tools (e.g., threats, suggestions, deception). Such means of criminal activity are often combined when committing crimes, such as forgery of banknotes, documents, smuggling, etc. [3; 29].

In a broader sense, the means of the labor process include all the material conditions necessary for such a process. In this context, methods of criminal activity include both the commission of crimes and the organization of criminal groups. The method of committing crimes combines all the necessary means of achieving the desired result, including behavioral acts.

Two main factors determine the forms of an organized criminal group. The first is the quantitative and qualitative composition of the group, necessary for implementing the illegal plan. For example, when a particular crime cannot be committed by a lone criminal, or long-term illegal activity requires the joint efforts of several people, specific accomplices (e.g., corrupt officials) may be needed to commit crimes. Consequently, criminal groups, especially organized crime communities, are built and operate using the principles of intelligence agencies to ensure that they remain undetected. In the event of the “failure” of any part (usually the direct perpetrators), they aim to incur minimal losses and quickly restore the previous structure of the criminal organization [3].

The primary distinction between various types of activity lies in the achievement of the desired result. Scientists assert that the entire process of criminal activity is directed towards realizing the set goal and obtaining the intended outcome. This result is

the material embodiment of the perpetrator's interests, which motivated the commission of the crime: physical harm, property damage, and moral injury. Additionally, the result can be seen as the satisfaction of the criminal's ethical and physical needs, desires, passions, and aspirations [10].

The criminal process is both specific and unique. Criminal activity encompasses not only a particular criminal act but also a broader spectrum of actions aimed at sustaining the criminal and his associates, and facilitating ongoing illegal operations (e.g., forming a criminal group, training members, organizing intelligence and counter-intelligence activities, specialization, and distribution of spheres of influence). Such conditions also involve the preparation and execution of crimes (e.g., specific illegal acts), and efforts to conceal the identities of criminals [7; 17].

Thus, criminal activity should be regarded as a deliberate implementation of actions designed to ensure the survival of the perpetrator and the criminal enterprise as a whole, often manifesting as isolated, random, or emotionally driven acts. Such crimes represent components or segments of a broader criminal activity. While criminal activity predominantly pertains to destructive human actions, it may also encompass certain aspects of creation (e.g., in the shadow economy, drug trade, gambling industry, etc.).

Some scholars argue that destructive activity can be distinguished from the goals and tasks of socially beneficial work and, in contrast, may pose a threat to societal existence, which characterizes modern crime. It is correctly emphasized that "criminal activity has escalated to a level of interference in the socio-economic fabric of society that threatens the foundations of state life. In other words, criminal activity is not only an objective social factor but also a phenomenon with which, especially in the context of organized crime, the state must contend" [14].

In contemporary contexts, crime is increasingly professional. Professionalism in criminal activity can be conceptualized in two ways: firstly, as a high level of execution in criminal operations, which ensures the achievement of nearly all intended objectives; and secondly, as a mode of existence driven by the results of such illegal activities.

Countering the detection and cessation of criminal activity is a specific aspect of the criminal process. Historically, this has always been a characteristic of criminal behavior. However, unlike earlier periods when criminal actions often involved isolated incidents, modern criminals focus on avoiding detection and exposure. Concealment and destruction of evidence were central to the preparation, execution, and aftermath of criminal activities. Today, crime operates on an organized level, manifesting in systematic criminal enterprises rather than isolated acts. Criminals now actively ensure their safety throughout their "labor activity."

Modern criminals not only destroy evidence but also "buy off" or "clean up" witnesses, corrupt law enforcement officials, lobby their interests within state institutions, and exploit international networks for illegal activities. The corruption of public officials, in particular, allows criminals to access critical information for their illegal operations and to anticipate and counteract law enforcement strategies. This represents a comprehensive approach to sustaining criminal enterprises, rather than isolated criminal acts.

5 Conclusion

Criminal activity aligns fully with the definition of activity as the active influence exerted by a social subject on an object using specific means (methods, techniques, and tools) to achieve a particular goal. Addressing crime effectively necessitates examining criminal activity not merely as isolated acts but as a broader social phenomenon and an integral element of criminal operations. This comprehensive analysis is crucial for developing specific and effective measures to combat crime.

Neglecting the study of the nature and dynamics of criminal activity can lead to the professionalization of criminals, the emergence and expansion of organized crime, particularly within the economic sector, and, most critically, a significant decline in the effectiveness and quality of crime-fighting efforts.

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