

Particularities of Forensic Study of Criminal Personality

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The peculiarities of forensic examination of the criminal personality have been examined through the application of various forensic methods and tactics within the field of forensic science. The authors aimed to explore the forensic structure of the criminal personality in the light of psychological methods during the detection and solving of crimes. To achieve the set goal, general scientific (including observation and comparison, analysis and synthesis, induction and deduction, theoretical generalization, etc.) and specialized methods (such as grouping and systemic-structural approaches) of scientific research have been employed. The research paper provides information on psychological methods that an investigator should employ, as well as the professional qualities that the investigator should have in order to directly study the criminal personality. The issue of determining the criminal personality within the field of criminology has been investigated by examining, during interrogation and other investigative measures, their individual qualities and characteristics reflected in the traces of crimes (in particular, disclosure of personal characteristics of the criminal with the help of psychological techniques and

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formation of evidence in investigative and operational practice). The ethical aspect of the impact on the accused individual (suspect) during pre-trial investigation and crime prevention is elucidated in this research paper. The boundaries and principles of admissibility of psychological influence on the criminal's consciousness are expounded, with morality outlined as a tactical approach to such influence. The classification and typology of criminals into groups and categories are highlighted. Information regarding the understanding of the criminal personality in criminology, achieved through the study of their individual qualities and traits, is presented and reflected in the traces of crimes. It is proved that properly analyzed biographical data about the suspect provides the investigator with the opportunity to effectively influence the criminal's value system.

Keywords: criminal; suspect; investigative and operational practice; investigative actions; behaviorism; experimental method; forensic psychological examination; profiling; lie detector.

Research Problem Formulation

The unstable situation in any country is a powerful source of crimes and offenses. This is especially true if there are hostilities on its territory, as is the case in Ukraine today. In such circumstances, law enforcement officials face new challenges with the use of innovative approaches to preventing and solving offenses. Forensics and psychology are called upon to develop modern methods and techniques aimed at combating criminal offenses. Modern realities require the formation of new evidentiary information that will allow us to accurately determine the circumstances of the crime and the reasons for its commission.

One of the main tasks of forensics is, in particular, to use psychological and socio-psychological information about the personality of a suspect, which investigators and law enforcement agencies find out using a set of methods borrowed by forensics from psychology.

In the context of martial law in Ukraine, the instrumental method of lie detection (polygraphy) has gained wide practical application, which allows experts to identify a person's illegal intentions based on the analysis of psychophysiological reactions.

The range of methods used by law enforcement officials is quite extensive: depending on the specific situation (circumstances of the crime, identity of the suspects, etc.), the methods and directions of their application change. The methods mentioned in this article are chosen by investigators and operatives each time in accordance with specific life realities.

Article Purpose

Explore the forensic structure of the criminal personality in the light of psychological methods during the detection and solving of crimes.

Research Methods

To achieve the set goal, general scientific (including observation and comparison, analysis and synthesis, induction and deduction, theoretical generalization, etc.) and specialized methods (such as grouping and systemic-structural approaches) of scientific research have been employed.

Analysis of Recent Research and Publications

The criminalistic characteristics of a crime and one of its structural elements, information about the identity of the perpetrator, have been studied by several national scientists, including L. Vyhotskyi¹, H. Kostyuk², M. Saltevs'kyi³, V. Shepitko⁴, O. Polozenko with co-authors⁵, etc.

Main Content Presentation

The identity of the perpetrator is one of the structural elements of the crime. The

identity of the suspect in forensic science is studied within the framework of both forensic methods of crime investigation and forensic tactics⁶. The issue of forensic study of the suspect's identity, techniques, tactics and methods of collecting and using information about the person constantly arises in investigative and operational practice.

The general characteristics of personality and the individual (including the criminal) are given in many dictionaries, scientific papers, and even Internet posts, for example:

- “a particular person in terms of their culture, character, behavior, etc.; individual, personality”⁷ and “1. An individual; an individuum. <...>. 2. Human individuality, personality; a person as an embodiment of the individual principle in society”⁸;
- “the system of features of the criminal's personality includes demographic data, some moral properties and psychological characteristics. The

- 1 Психологія людини: Л. С. Виготський та сучасна наука: зб. ст. / за ред. М. В. Папучі. Ніжин, 2018. Вип. 1. 127 с. URL: http://www.ndu.edu.ua/storage/2021/zahal_psy_lib/%D0%92%D0%B8%D0%V3%D0%BE%D1%82%D1%81%D1%8C%D0%BA%D0%B8%D0%B9%20%D1%82%D0%B0%20%D1%81%D1%83%D1%87%20%D0%BD%D0%B0%D1%83%D0%BA%D0%B0%20%D0%97%D0%B1%D1%96%D1%80%D0%BD%D0%B8%D0%BA%201.pdf (date accessed: 25.11.2023).
- 2 Костюк Г. С. Загальні закономірності онтогенезу людської психіки / Вікова психологія : підручник / за ред. проф. Г. С. Костюка. Київ, 1976. С. 28—52 ; Його ж. Навчально-виховний процес і психічний розвиток особистості / під ред. Л. М. Проколієнко. Київ, 1989. 608 с.
- 3 Салтевський М. В. Криміналістика (у сучасному викладі) : підручник. Київ, 2005. 586 с.
- 4 Шепітько В. Ю. Психологія судової діяльності : навч. посіб. Харків, 2006. 160 с. URL: https://library.nlu.edu.ua/POLN_TEXT/KNIGI/PRAVO/Shepitko_Psicholog_2006.pdf (date accessed: 25.11.2023).
- 5 Основи загальної психології : навч. посіб. У 2 т. / укладачі: О. В. Полозенко, Л. М. Омельченко, С. В. Яшник, В. І. Свистун, В. І. Стахневич, І. А. Мартинюк, Л. М. Жуковська. Київ, 2009. Т. I. 322 с. Т. II. 256 с.
- 6 Бурбело Б. А. Особливості криміналістичного вивчення особистості підозрюваного. Актуальні проблеми кримінального права, процесу, криміналістики та оперативно-розшукової діяльності : тези Всеукр. наук.-практ. конф. (Хмельницький, 03.03.2017). Хмельницький, 2017. С. 717—719.
- 7 Особистість / Академічний тлумачний словник української мови. В 11 т. // за ред. І. К. Білодіда. Київ, 1970—1980. Т. 5 : Н—О ; ред. тому: В. О. Винник, Л. А. Юрчук. 1974. С. 778. URL: <https://sum.in.ua/s/Osobystistj> (date accessed: 25.11.2023).
- 8 Особа / Там само. С. 777. URL: <https://sum.in.ua/s/osoba> (date accessed: 25.11.2023).

criminal personality is a concept that expresses the essence of a person who has committed a crime. In this regard, we can talk about the typical features of a person prone to commit certain types of crimes (this applies primarily to professional and organized crime). Generalized data on the most common motives for a crime make it possible to determine the range of needs of the offender that pushed them to commit the crime, and thus establish the main directions of the investigation.”⁹;

- *“a person can be defined as a stable set of qualities, properties that are acquired under the influence of the relevant culture of society and specific social groups to which he or she belongs, in whose life he or she is included”¹⁰;*
- *“the formation of these qualities and properties is largely mediated by the biological characteristics of the individual. However, social influence plays a decisive role in the process of personality formation”¹¹.*

Personality (person) as a concept is the object of study of many sciences, not only legal ones. The complexity and versatility of the personality (person) actually makes it impossible for representatives of any science or branch of science to study it fully and comprehensively. The forensic aspect of studying the personality (person) of a criminal involves taking into account not all mental states, properties and qualities. The most important are the complex mental properties of a personality that

reflect his or her activities, motives, goals, needs, interests, views, character, and will. It is worth remembering that even the most negative psychological qualities cannot lead to the commission of an unlawful act.

The effective use of psychological methods by an investigator directly depends on his or her professional qualities and skill in their application: broad outlook, sociability, emotionality, attentiveness, ability to psychologically influence (inform, persuade, suggest) and developed intuition.

Investigative actions are divided into verbal and non-verbal.

Most verbal actions are performed taking into account the investigator's ability to influence the suspect: *“Influence on the criminal is observed in almost all investigative actions, but in some investigative actions its potential is extremely high (interrogation); in others, it is extremely difficult to conduct them if such influence was not observed at the initial stage of this investigative action (influence in the form of optimizing the psychological state of the person, its adaptation to the conditions of the investigative action - presentation of the person for identification, investigative experiment)”¹².*

Other aspects of investigative actions such as examination of the scene and examination form a group of non-verbal investigative actions. For example, examination of the scene creates numerous opportunities for forensic analysis of the suspect's personality. At the same time, this analysis is not aimed at influencing: it is carried out in the process of reconstructing

- 9 Шепітько В. Ю., Коновалова В. О., Журавель В. А. та ін. Криміналістика : підручник / за ред. проф. В. Ю. Шепітька. 4-те вид., перероб. і допов. Харків, 2008. С. 278–279. URL: <https://law.sspu.edu.ua/files/documents/books/library/17/shepitko.pdf> (date accessed: 25.11.2023).
- 10 Гетманцева Я. В. Поняття та структура особи злочинця. *Закарпатські правові читання* : мат-ли II Всеукр. наук.-практ. конф. молод. вчен. та студент. (Ужгород, 29–30.04.2010). У 2 т. Ужгород, 2010. Т. 2. С. 222–225. URL: <https://dspace.uzhnu.edu.ua/jspui/handle/lib/22942> (date accessed: 25.11.2023).
- 11 Якуба Е. А. Социология : учеб. пособ. для студент. Харьков, 1996. С. 86–87. URL: http://univer.nuczu.edu.ua/tmp_metod/715/yakuba.pdf (date accessed: 25.11.2023).
- 12 Бурбело Б. А. Оп. Чит

the components of the suspect's personality, taking into account the actual traces of the crime.

Crime scene investigation provides information about numerous physical features of the suspect's personality: for instance, the scene investigation can give an idea of their height, build, physical strength, and health. The traces left at the scene are the initial data for drawing up a forensic portrait of the suspect's personality, which in turn is one of the ways to understand the events of the crime. Appearance features, group-specific blood properties, papillary patterns, discharge; age features, tissues, hair, functional state of the human biocomplex and its components (health status); Anatomical and neurotypological aspects that affect the development of functional and motor skills; features of the anatomy and function of the vocal apparatus.

Information about a person's biological characteristics is obtained through the use of specialized knowledge: such information is obtained mainly through expert examinations. Expert studies use various methods of relevant sciences, such as anatomy, biology, physiology, physics, chemistry, etc. To identify, record, and seize objects containing information about a person's biological characteristics, the investigator may, if necessary, engage a specialist (a doctor, a forensic expert, a psychologist).

A forensic portrait of a suspect's personality requires the use of all available data that is important for investigating a crime and finding out why it was committed. The products of the suspect's life, such as documents, personal records, drawings, and marks in books, magazines, and newspapers, play a special role in studying the suspect's personality. In the modern world,

the most common trace of a suspect is his or her activity on the Internet.

Today, during the investigation of crimes, in many cases, law enforcement officials can use materials obtained from technical video surveillance systems that recorded the suspect, elements of the crime mechanism, etc. The video recording materials contain a wide variety of information (evidentiary, orientation) related to the functional features of a person's appearance (body structure, gait, gestures, articulation, facial expressions, etc.) These features can only be studied in dynamics since static images of a person's appearance do not convey these characteristics or convey them to a very limited extent. Modern video recording equipment helps to record, store and reproduce such information for further forensic investigation¹³.

In forensic science, the identity of a criminal is determined by studying their individual qualities and properties reflected in the traces of crimes. During the investigation of criminal proceedings, this knowledge is used as a source of influence on the subject of the crime. Carefully analyzed biographical data of the suspect allows the investigator to effectively influence the level of values of the criminal's personality.

The largest group of forensically significant characteristics of a person are those that belong to their psychological portrait. Without taking them into account, it is impossible to determine the actual picture of the crime or to implement the tactical aspects of the investigation. Given that all elements of personality psychology are interconnected and interdependent, it is possible to distinguish those that are of the greatest forensic importance. In this way, the investigator finds out information

13 Vaschuk. Динамічні ознаки людини: криміналістичне дослідження / Правда про брехню. Наукова діяльність ДГ. 18.10.2023. URL: <http://psylib.onua.edu.ua/?p=68> (date accessed: 25.11.2023).

about the person using a variety of methods derived from forensic science and psychology: observation, interview, biographical method, generalization of independent characteristics and analysis of performance, the method of experimentation, and forensic psychological examination. Among the less traditional methods that help to find out information that characterizes a person are the instrumental method of lie detection (polygraphy) and the method of behaviorism. The latter methods require the involvement of well-trained specialists: psychologists, physiognomists, psychiatrists, and profilers.

Consequently, we'll start with a conversation, which is a method of obtaining information and understanding psychological phenomena through oral communication. During such communication, you can study various aspects of the interlocutor's personality (in particular, the level of their intelligence, professional knowledge, attitude to events and persons, worldview, understanding of legal and moral norms, as well as personality traits for further diagnosis). The main requirements for conducting an interview are purposefulness, planning and an individual approach. The format, duration, place and time of the interview, as well as its purpose and subject matter, are determined by taking into account the information available to the investigator about the person being interviewed and the current investigative situation. The investigator must have perfect skills of effective listening and clear questioning. Initial questions should be chosen from a series of contact questions, i.e., those that are easy to answer. The tone of the conversation should be both even and rather formal, and the interrogation environment should be free of any extraneous stimuli. Investigative practice provides many examples of detecting and exposing the lie of an interrogated person during one interrogation.

To achieve the desired result, the investigator must carefully prepare for the interrogation, because the more nuances of the case they investigate before the interrogation, the more likely it is that the suspect will finally tell the truth after false testimony. Various tactics are used to obtain full and reliable testimony from interrogated persons.

In order to obtain reliable information from interrogated persons, investigators often use techniques and principles of a logical and psychological nature, for example:

- creating favorable conditions for the effective identification of the mental abilities of persons providing information (for example, by activating memories during interrogation of a person based on temporal, spatial, event, subject, and figurative associations, conducting interrogation at the scene of the event or presenting photographs from the scene);
- using the psychological reaction of the person with the information to the actions of the investigator (such as the presentation of the instrument of crime during interrogation);
- use by the investigator of reliable knowledge or assumptions about actions that, given the psychological and other characteristics of the person with the information, the person could have taken in the past, with the demonstration of this knowledge and the results of their implementation in the presence of this person (in particular, by identifying traces of staging a crime);
- intentionally inducing the suspect to behave in a certain way (for example, by using the psychological characteristics of the person and

his or her expected natural reaction to the investigator's actions).

In practice, it is not uncommon for an investigator and an offender to have a difficult, insincere, and sometimes conflicting relationship. In order to achieve a positive result, the information conveyed to the offender must give him the impression that the investigator is fully or at least sufficiently aware of the situation. Then the offender will recognize the previously chosen course of action as unacceptable, and either confess or create a new model of behavior towards the law enforcement officer. It is important to remember that the need to immediately change one's behavior increases the likelihood of mistakes in the criminal's actions, and therefore makes it easier to expose lies in their verbal and non-verbal forms of communication.

It is worth noting that the expediency of having several investigators participate in the interrogation may be dictated by the need to study the personality of the interrogated person by observing his or her behavior: this task is usually assigned to one of the investigators. At least two investigators, or an investigator and an operative, should observe the behavior of the interrogated person and verbally and non-verbally influence him/her. We emphasize that the wide possibilities of speech influence in the form of a trilogy make it possible to suddenly change the topic of conversation, create a kind of "coalition" and continue communication, which is important in a conflict situation. The behavioral aspects of the interrogated person are determined by analyzing the information obtained during the interview by the officials participating in the investigative action. Thus, the tactical provisions for studying the personality of the accused should be considered from two perspectives. The first is related to the fulfillment of forensic tasks of the investigative action: it is realized in the pro-

cedural recording of evidence about the identity of the suspect. The second is the perception and evaluation of information about the suspect's identity, which cannot be recorded in the protocol of the investigative action due to the design of the action itself: it is determined by cognitive methods.

During the conversation, law enforcement officials often use the *method of persuasion* as a lever of influence aimed at awakening remorse and shame in the interrogated person, while helping to create a new worldview and changing his or her attitude to life, work, and people. This method is usually implemented in individual interviews with the suspect, during which the process of studying their personality and its impact is carried out concurrently. In a conversation with the suspect, it is necessary to explain to them the essence and ultimate goal of the actions of law enforcement officials, as well as to consider possible ways for the suspect to mitigate the sentence, facilitate the serving of the sentence, and prepare them for their return to freedom. Using the method of persuasion, you can simultaneously influence the intellectual, emotional and volitional spheres of the suspect's psyche.

During the interview, the investigator can also actively use such a method of psychological study of the personality as *observation*. In this context, the object of observation is the appearance of a person and his or her external behavioral manifestations (purposeful, direct and systematic perception). The method of observation allows us to get an idea of the temperament, volitional and emotional properties of a person. At the same time, the essence of observation as a method of personality study is not only non-passive observation and recording of the above manifestations but also their in-depth analysis from the standpoint of distinguishing between the natural and the accidental, the main and the secondary.

The following types of observation are distinguished: cross-sectional (short-term observation); longitudinal (long-term observation); third-party, selective, included (the observer becomes a member of the study group); free, external (observation from the outside); and standardized. One of the types of observation is considered to be self-observation, either immediate or delayed (in a person's memoirs, diaries, and memoirs, you can see what they were analyzing, what they were thinking, what they were feeling, what they were going through). The investigator's analysis of the suspect's self-observation information allows them to conclude how and what mental processes occurred with that person. The use of the observation method in a scientific and practical context allows for high results, prompt formulation of specific recommendations and monitoring of the effectiveness of their impact.

The essence of the *method of generalizing independent characteristics* is to collect, summarize and analyze information about a person received from different observers who witnessed the manifestations of mental and other personality traits in different settings and at different times. Instead, a characterization is understood as any (official and unofficial, oral and written) information about a person, which can be used to conclude his or her personal qualities and behavior. The application of the method of generalizing independent characteristics allows the investigator to obtain rich material about the psychological and socio-psychological manifestations of the person under investigation in different conditions (domestic, industrial, etc.). It is clear that any characteristics from different sources (testimonies of persons, written characteristics from the place of work and residence and other similar documents) are subject to careful analysis and evaluation.

The *biographical method* is used for a deeper study of a person. It involves collecting information about events and circumstances in a person's life in chronological order or by individual life stages. Biographical data allow us to conclude the process of forming life principles and positions, about the system of relationships, value orientations, and peculiarities of the mental state. There are many sources for obtaining biographical information, as well as for generalized independent characteristics, but they also include the person being studied. The main source in the biographical method is personal documents: life stories obtained during unstructured in-depth interviews, written autobiographies, diaries, letters, family archives, photographs, social media pages, etc. An important role here is also played by the environment, which treats the individual well or badly. This makes it possible to identify character traits, and abilities, understand the causes of events, and study the psychological state of a person.

Analysis of activity results as a method of personality study is most often used to study the personality of the accused. The main object of knowledge in this case is their criminal activity in all its diversity. However, one cannot limit oneself to it, especially when criminal activity occurs in parallel with other professional activities, and even more so when they are closely overlapping. The personal qualities of the subject are reflected in any kind of human activity.

The analysis of activity result should also include the procedural type of information collection, and clarification of the mandatory characteristics of the subject, in particular:

- belonging to individuals (citizen of Ukraine, stateless person, foreigner);

- sanity (mental state of a person, which consists in his/her ability to realize and control his/her actions (inaction) due to the state of mental health);
- the suspect (accused) reaches the legal age for criminal prosecution.

The *method of experimentation* consists in the active participation of the researcher in the activities of the subject to create conditions under which a psychological fact is revealed. By its nature and types, it is considered a natural and laboratory experiment. In a natural experiment, the individuals being tested have no information about the purpose and conditions of the experiment and treat the experiment as a real event in which they are participating. Even if natural experiments provide more reliable information, they cannot be repeated because they lose their naturalness and confidentiality to the participants. For example, the use of hidden equipment (cameras, video cameras, voice recorders) is considered unethical and unacceptable, since recording equipment can only be used with the consent of the test subject. This, of course, limits the breadth of the study, but it reduces the risk of causing undoubted trauma to the subjects. Such an experiment is usually not conducted in order to investigate the patterns that emerge in forensic investigative activities. Instead, a laboratory experiment is conducted in special conditions, with the use of special equipment and the actions of the subject stipulated by the instructions (the subject knows that an experiment is being conducted with his or her participation, although the final

true content of the experiment may not be disclosed to him or her). The experiment is conducted many times with a significant number of subjects, which makes it possible to find out general statistically reliable patterns of the development of mental phenomena. In legal psychology, the laboratory experiment is of limited use: this is because the study of the mental characteristics of a person within the framework of legal proceedings excludes the possibility of conducting experiments (except studies conducted during forensic psychological examination). Ultimately, the necessary material can be collected using other methods, in particular, by summarizing judicial and investigative practice, to obtain scientific conclusions.

*“The ethical aspect of influencing the personality of a suspect in the course of investigating crimes is extremely complex. Of course, investigative activity is regulated mainly by the norms of professional ethics, which provides for any psychological influence on the person of a suspect, depending on the situation, if it does not directly contradict the criminal procedure law”*¹⁴. Part 2 of Article 11 of the Criminal Procedure Code of Ukraine (hereinafter - *the CPC of Ukraine*) states that *“it is prohibited during criminal proceedings to subject a person to torture, cruel, inhuman or degrading treatment or punishment, to resort to threats of such treatment, to keep a person in humiliating conditions, to force him or her to perform acts that degrade his or her dignity”*¹⁵. Article 373 of the Criminal Code of Ukraine (hereinafter - *the CCU*) provides for liability for coercion to testify¹⁶. During communication, psychological influence can be exerted by means of language: informing, persuading, and suggesting.

14 Бурбело Б. А. Оp. cit.

15 Кримінальний процесуальний кодекс України від 13.04.2012 р. № 4651-VI (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 25.11.2023).

16 Кримінальний кодекс України від 05.04.2001 р. № 2341-III (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 25.11.2023).

Psychological influence is the regulation of the process of information exchange in the course of communication. The choice of tactical techniques for individual procedural actions depends on the investigator's way of thinking, professional and general educational level. The process of using tactical techniques involves the possibility of changing the mental state of the subject of communication, for example:

- has a positive effect on the process of communication and helps to eliminate an undesirable state of mind;
- does not change the mental state of the subject;
- does not cause undesirable mental states (emotional stress, fear, frustration, etc.).

Psychological influence will have an effect only when the necessary conditions are created for its use or a situation is chosen in which the investigative action will be effective. Such conditions include the person's state of mind, the degree of information awareness, the ability to perceive the influence in a particular situation, and the most favorable moment of influence. It is important to diagnose the temperament of the suspect and choose methods of influence that have the characteristics of an emotional stimulus on the one hand and a logical one on the other. The influence can be as follows: sudden announcement or presentation of evidence; concealment of information about evidence; asking a set of questions that indicate the investigator's awareness; providing neutral information to give the suspect the impression that the crime is irreversible; asking questions aimed at detailing the message in order to cause a slander.

The admissibility of psychological influence means that it should not degrade the dignity of a person or distort the prospect of achieving objective truth. The

influence must be moral. Psychological influence, transformed into a tactical technique, is a means of obtaining evidentiary information. The search for evidentiary information takes place during a criminal procedural inquiry. Knowledge of the truth in the field of justice must be moral.

A forensic psychological examination is a procedural action provided for by the CPC of Ukraine, which is carried out to obtain an expert opinion on issues of evidentiary value in a case and requires a thorough knowledge of psychology.

A forensic psychological examination is called for:

- “• establishment whether the accused with an intellectual disability is capable of fully realizing and controlling his/her actions;
- [whether] the victim (minor, juvenile) who has been raped is able to correctly understand the nature and significance of the actions committed against him or her and to resist;
- establishment the ability of the accused, victims and witnesses to adequately perceive the circumstances of the case and give correct testimony;
- whether the person who committed suicide had mental conditions leading to suicide before his or her death, and to establish the possible causes of these conditions;
- establishment the presence or absence of a state of affect or other non-pathological conditions (fear, depression, stress, frustration) in the subject at the time of the crime that significantly affected his or her consciousness and activities;
- determine the leading motives in human behavior and the motivation of individual actions that characterize his or her personality;
- establishment of individual psychological characteristics of the expert,

[which] significantly influenced his behavior and the formation of the intention to commit a crime;

- establishment of the structure of the criminal group based on the available data on the psychological characteristics of its members, to identify the leader, etc.;
- the presence or absence of a mental condition in the person operating the technical mechanism [that] significantly affected its management (in transport, at work) and caused an accident or emergency.

Based on these tasks solved by forensic psychological examination, methods for solving them are selected. The information obtained in the course of forensic psychological examination is used for scientific purposes to develop theoretical problems of criminal psychology”¹⁷.

Given that forensic psychology has no boundaries and is aimed at detecting and solving crimes, it is possible to use such a technique as *profiling*. From the very beginning of this method, the term “*profiling*” was used in the context of drawing up a search psychological portrait of an unknown person based on traces left at a crime scene. Recently, the term “*profiling*” has been used to refer to a number of applied socio-psychological techniques aimed at assessing the reliability of information provided by a person based on his

or her nonverbal behavior (non-instrumental lie detection)¹⁸.

Today, investigators and operatives actively use in their practice both the classic polygraph (lie detector) and new developments: remote detectors of the psycho-emotional state of biological objects¹⁹.

A lie detector is a type of psychophysiological equipment that registers certain physiological changes in a person who lies during testimony. These include changes in respiratory and cardiovascular activity, skin galvanic resistance, and pupil response.

However, apart from the draft law on supplementing the Criminal Procedure Code of Ukraine with provisions on the use of a polygraph (lie detector)²⁰, submitted in early 2013 and withdrawn on November 27, 2014, there have been no other precedents for legislative initiatives on the use of a polygraph in criminal proceedings.

Regrettably, it is impossible to clearly determine the appropriateness of using a polygraph in criminal proceedings, as its indicators provide only physiological data about a person at a particular time. These physiological indicators arise as a result of psychological reactions that a polygraph examiner is not able to fully track. In addition, the polygraph examiner may make a mistake in interpreting the results of the examination and challenging these results is difficult, if not impossible,

17 Конспект лекцій з дисципліни «Кримінальна психологія» за спеціальністю 053 «Психологія» / укладачі: Ю. Подкопаєва, К. Гордієнко. Київ, 2021. С. 9—10. URL: https://er.nau.edu.ua/bitstream/NAU/54400/2/02_%D0%9A%D0%9F_%D0%9A%D0%9B.pdf (date accessed: 25.11.2023).

18 Нормативні акти, в яких передбачено застосування поліграфа та обов'язковість дотримання ДСТУ 8692:2016 / Всеукраїнська асоціація поліграфологів : офіц. сайт. URL: <https://polygraph.ua/zakonodavstvo/> (date accessed: 25.11.2023).

19 Ibidem.

20 Проект закону про доповнення Кримінального процесуального кодексу України положеннями щодо використання поліграфа (детектора брехні) від 12.03.2013 р. № 2521. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=46058 (date accessed: 25.11.2023).

since the provisions of the Constitution of Ukraine (Article 28) ²¹ and the Criminal Code of Ukraine (Article 385) ²² are still subject to dispute.

Given the tendency to increase the use of polygraphs, it is likely that in the near future the data obtained with this device will become a source of evidence in criminal investigations more often.

In the forensic study of personality, an alternative method should be used — the *behaviorism method*. *“Behaviorism (behavior) is a direction in psychology that reduces the psyche to behavior, which is thought of as a mechanical response to environmental triggers”* ²³. Behaviorists believe that *“it is impossible to know the inner world of a person and therefore we must limit ourselves to external observations. <...> For behaviorists, predicting and controlling behavior depends on an accurate determination of the external conditions that support behavior”* ²⁴. According to this direction, *consciousness as a subject of scientific research is denied, and the psyche is limited to various forms of behavior*.

The founder of behaviorism is an American psychologist John Broadus Watson (1878—1958), who developed the concept of a new direction in psychology, where the subject of study is not consciousness but behavior. According to his views, all manifestations of human behavior can be described using the *“stimulus-response”* relationship (stimulus is a change in the environment,

and reaction is the body's response to this stimulus). Burrhus Frederic Skinner (1904—1990), a compatriot of J. B. Watson, contributed to the development of the classical theory of conditioned reflexes. He significantly expanded it by distinguishing among conditioned reflexes the category of *“operant”* reflexes, which the body forms spontaneously. These reactions can be modified by punishment or reward. Skinner highlighted the asymmetry between positive and negative stimulus reinforcement: negative reinforcement often leads to unpredictable, surprising, and undesirable consequences, while positive reinforcement promotes desired changes, shapes behavior, and increases self-esteem. A German-born British psychologist Hans Jürgen Eysenck (1916—1997), trying to find out how a person subordinates his or her internal impulses to the requirements of society, formulated a hypothesis that moral consciousness is a response to typical situations. This response is based on the same principle as J. B. Watson's theory: *“stimulus-reaction”*. The relationship between stimulus and response is strengthened by the presence of reinforcement, which can be either negative (punishment, pain, etc.) or positive. Behaviorists believe that the task of psychology is *“to recognize a possible stimulus from a reaction, and to imagine a certain reaction from a stimulus”* ²⁵.

21 Конституція України : Закон України від 28.06.1996 р. № 254к/96-ВР (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/254k/96-вр#Text> (date accessed: 25.11.2023).

22 Кримінальний кодекс України URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 25.11.2023).

23 Пирог Г. В. Біхевіоризм / Велика українська енциклопедія. URL: <https://vue.gov.ua/Біхевіоризм> (date accessed: 25.11.2023).

24 Мацко Л. А., Прищак М. Д., Годлевська В. Ю. Основи психології та педагогіки (для студентів заочної форми навчання) : навч. посіб. [Електронний ресурс] / Навчальні посібники Вінницького національного технічного університету. Мережні електронні видання. URL: https://web.posibnyky.vntu.edu.ua/icgn/8prishak_osnovy_psiholog_pedagogiki/r213.htm (date accessed: 25.11.2023).

25 Мацко Л. А., Прищак М. Д., Годлевська В. Ю. Оп. cit. URL: https://web.posibnyky.vntu.edu.ua/icgn/8prishak_osnovy_psiholog_pedagogiki/r213.htm (date accessed: 25.11.2023).

Thus, it is possible to influence a suspect's behavior by shaping or reinforcing certain patterns in his or her perception and response to stimuli. For example, positive reinforcement or punishment can influence a suspect's choice between offending and lawful behavior. Additionally, behavioral concepts may consider the formation of criminal behavior through learning and modeling. For example, if a suspect has studied or observed the actions of others who have committed crimes, this may influence his or her own behavior through learning and imitation. It is important to remember that a suspect's behavior reflects many factors, and behaviorism does not cover all aspects of this complex phenomenon.

In general, obtaining complete information about a person equips the investigator and operative with knowledge that contributes to the effectiveness of the investigation.

Since it is important to take into account the diversity of crimes and criminals in the fight against crime, it is advisable to classify criminals into separate groups and categories.

The classification does not study an individual with all his or her complex characteristics, but a group of criminals. In criminology, the most commonly used classification grouping is based on the following criteria:

- by socio-demographic data (gender, age, place of residence). Criminal justice statistics distinguish between minors aged 14 to 18, young adults (18 to 29), and mature adults (30 and older);
- by socio-economic indicators (education, profession, availability

or unavailability of work, financial situation, etc.);

- by citizenship (Ukrainian citizens, foreigners and stateless persons);
- by the state of the person at the time of the crime (alcohol or drug intoxication, being a member of a criminal group, in prison, etc.)²⁶.

An alternative classification based on other grounds is possible: by motivation (e.g., crimes for profit, crimes for emotional reasons), social status, weapons used, and methods of committing the crime. This approach allows for more attention to be paid to the personal characteristics of suspects, examining their motivation, social environment, and methods of committing crimes.

Criminal law also classifies criminals according to the level of their social danger. This includes persons who have committed crimes of particularly grave, grave, medium or minor gravity, as well as those who have previously been sentenced to imprisonment.

The classification of criminals is the systematic division of them into different categories depending on the characteristics that are genetically linked to their criminal behavior. The scientific literature states that classification helps to achieve a higher level of understanding of the phenomenon. At the same time, a distinction is made between manifestation and cause characteristics, which determine the meaningful nature of such a division. The basis for classification is always the essential features of the phenomena under study.

Manifestation and cause signs within the same type should show homogeneous characteristics that reflect specific functional and deterministic

26 Лекція до теми «Особа злочинця» / розробник А. В. Воронцов. Одеса, 2018. С. 10. URL: https://oduvs.edu.ua/wp-content/uploads/2016/09/lek-2018-d-z-2_3-kriminologia_ta_profilakt_zloginiv-3.pdf (date accessed: 25.11.2023).

relationships. For example, committing theft as a manifestation is based on the signs-causes – a person's persistent focus on illegal ways to ensure their well-being, impunity after committing previous crimes, criminal experience, etc. The complex of these signs indicates the type of professional criminal.

In order to typify criminals, it is necessary to find out the inner essence of the grouped persons, their deep anti-social orientation and define them as persons focused on a specific type of criminal activity. The type of offender reflects the qualitative unity of essential features of many offenders.

The criminological classification of criminals (offenders) is most often based on two main principles: the presence of an anti-social orientation of a person and the depth and persistence of his/her antisociality. Taking into account the first criterion, the following types of criminals (offenders) can be distinguished:

- “• with aggressive and disrespectful attitude to a person and his/her most important goods (life, health, honor, dignity, etc.);
- with selfish and selfish motivation associated with ignoring the principle of social justice and honest work;
- individualistic and anarchic attitude to various social institutions, their social, official, family and other duties;
- with a frivolous and indifferent attitude to the observance of safety rules, which is manifested in the commission of careless crimes”²⁷.

“Among criminals, we can also distinguish such types as consistent criminogenic,

situational criminogenic and situational. The criterion for their distinction is the nature of the interaction between the social situation and the individual <...>.

The consistently criminogenic type is formed in a microenvironment where norms of morality and law are systematically violated; the crime stems from a habitual style of behavior and is determined by the subject's persistent anti-social views, attitudes and orientations. As a rule, the situation conducive to the commission of a crime is actively created by the individuals themselves. Their criminal behavior is autonomous from external circumstances.

The situational-criminogenic type is characterized by the violation of moral norms and commission of non-criminal offenses, is formed and operates in a contradictory microenvironment; the crime is largely due to an unfavorable <...> situation. Such a person is driven to crime by his or her microenvironment and the entire previous anti-social lifestyle.

Situational type: immoral elements in the behavior of such a person and in his or her microenvironment are, if any, weakly expressed. Representatives of this type commit a crime under the decisive influence of a situation that arose through no fault of their own. At the same time, such a person (unlike an accidental criminal) may justify his or her own and other people's criminal behavior in these situations or not know the legitimate ways to resolve conflicts. Thus, among this type of embezzlers <...> there are people who take what is ‘badly lying’ ”²⁸.

For the forensic study of personality, it is necessary to take into account socialization defects that affect the personality of the offender from birth and throughout life. The most dangerous defects arise

27 Тема 3. Кримінологічний аналіз особи злочинця / Конспект лекцій з навчальної дисципліни «Аналіз та прогноз злочинності». Київ, 2015 / Studies by Magistr.ua. URL: <https://studies.in.ua/analiz-ta-prognoz-zlochynnosti/3935-krimnologchniy-analz-osobi-zlochincya.html> (date accessed: 25.11.2023).

28 Ibidem.

in childhood and adolescence when the foundations of personality are laid. There are also other social deformations: poverty and unemployment; negative environmental influences (individuals who grow up in an environment where crime and violence are normalized may learn these patterns of behavior and imitate them); lack of education; drug and alcohol abuse; social exclusion (individuals who feel socially excluded or discriminated against may feel resentment and anger, which can trigger antisocial behavior); family problems.

A person is not endowed with a personality as soon as he or she is born: they are formed and developed through interaction with the social environment and awareness of ideas, views, moral norms and behavioral standards that are characteristic of the society to which he or she belongs.

Thus, *“the formation of a personality occurs in the process of assimilating the experience and value orientations of a given society, which is called socialization. a person learns to fulfill special social roles, i.e., learns to behave in accordance with the role of a child, student, husband, etc.; all of them have a distinct cultural context and, in particular, are significantly influenced by the stereotype of thinking. If there are no severe congenital defects in brain development, consequences of birth or trauma, the formation of a personality is the result of the interaction between a person and society. In the course of life, a person can lose personality traits to varying degrees as a result of the development of chronic alcoholism, drug addiction, severe central nervous system diseases, etc., in prin-*

*ciple, personality can “die” in a person who is still alive, which indicates a complex internal structure of this phenomenon”*²⁹.

The defect of socialization gradually affects the criminal's personality, which degrades. No one is born with the destiny to commit crimes; they are turned into criminals as a result of a wrong socialization process.

Let us consider in more detail the concept of “criminal personality”. Since it has a “socio-legal character and combines the general social concept of “person” and the legal concept of “criminal”, the commission of a crime reveals in a person only his/her anti-social orientation, but does not fully reveal his/her social essence. a correct judgment of a person as a whole is possible only based on all his or her attributes and manifestations as a person. That is why the combination and correlation of socially positive and socially negative qualities give a complete picture of the perpetrators of crimes”³⁰: in any case, the personality of the offender (offender) is characterized by deformation of moral beliefs, life attitudes, intellectual and emotional-will qualities³¹. “The moral and psychological characteristics of a criminal's personality are in a dialectical relationship with his or her social properties, and therefore should be considered in their unity”³².

Human personalities are very different. “Some of them actively contribute to social progress, while others, on the contrary, impede it: they evade useful work, become violators of public order, or take some other anti-social position. The value of a person depends primarily on his or her real contribution to the overall

29 Особистість: поняття, відповідальність, соціальне поведіння, рольова теорія / ОСВІТА. UA. 23.11.2010. URL: <https://osvita.ua/vnz/reports/sociology/12368/> (date accessed: 25.11.2023).

30 Лекція до теми «Особа злочинця» / розробник Л. М. Кулик. Одеса, 2018. 17 с. URL: <https://oduvs.edu.ua/wp-content/uploads/2016/09/Lektsiya-4-10.pdf> (date accessed: 25.11.2023).

31 Орлов П. І., Волобуєв А. Ф., Осика І. М. та ін. Протидія економічній злочинності: монографія. Харків, 2004. 567 с.

32 Лекція ... / розробник Л. М. Кулик. URL: <https://oduvs.edu.ua/wp-content/uploads/2016/09/Lektsiya-4-10.pdf> (date accessed: 25.11.2023).

social progress. Personality traits can be both positive and negative”³³.

Thus, the concept of “criminal personality” refers to a social being who has committed a crime, i.e. violated the standards of criminal law. The study of the criminal’s personality aims to identify the mechanisms of criminal behavior, find out its determinants and develop reasonable recommendations for crime prevention on this basis.

Social deformation plays a key role in shaping the behavior of individuals who may later become involved in criminal activity. At the same time, not every person who has experienced social deformation becomes a criminal. Socialization defects do not always lead to the commission of an unlawful act, which should be borne in mind in investigative practice.

Conclusions

Innovative means of studying the personality of a criminal from the standpoint of criminal psychology, a detailed study of the origins of criminal activity and socialization defects will help law enforcement agencies to:

- identify measures of educational influence in the formation of a law-abiding citizen;
- make the right decisions of a criminal law and criminal procedure nature;
- select tactical techniques and methods of influence appropriate for each specific investigative situation;
- find out in detail the motives for the crime and the circumstances characterizing the personality of the accused;

- investigate the causes of the crimes committed;
- put forward correct investigative versions and clarify all the episodes in the case;
- determine the circle of all accomplices in the crime.

The identity of the perpetrator as an element of the forensic characterization of a crime has been studied by many scholars in such scientific fields as criminalistics, criminology, psychology, criminal law, and criminal procedure. Obtaining generalized information about the subject of the crime during the pre-trial investigation and its proper use is an important condition for determining the mechanism of the crime and identifying the persons involved, as well as clarifying the role functions of accomplices to the crime. a typical line of behavior of a subject during the commission of a crime allows an investigator and an operative to identify persons prone to illegal behavior, narrow down the circle of suspects in the commission of a crime, build versions, plan tactical operations, and, after identifying the criminals, determine the line of behavior for investigative actions.

Особливості криміналістичного вивчення особистості злочинця

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Розглянуто особливості криміналістичного вивчення особистості злочинця за допомогою різних криміналістичних методів і тактик криміналістичної науки. Автори мали на меті дослідити криміналістичну структуру особистості злочинця під час виявлення та розкриття злочинів крізь призму психологічних

33 Тема № 4 «Кримінологічне вчення про особу злочинця»: конспект лекції [Електронний ресурс]. Київ: НАВС, 2015. С. 3. URL: <https://www.naiu.kiev.ua/files/kafedru/kkvp/lectures/kruminolog/4.docx> (date accessed: 25.11.2023).

методів. Для досягнення поставленої мети застосовано загальнонаукові (зокрема, спостереження і порівняння, аналіз і синтез, індукцію і дедукцію, теоретичне узагальнення тощо) та спеціальні (наприклад, групування і системно-структурний та ін.) методи наукового дослідження. Наведено інформацію про психологічні методи, якими має послуговуватися слідчий, і про професійні якості, які мають бути притаманні слідчому для безпосереднього вивчення особистості злочинця. Досліджено питання визначення особистості злочинця в галузі криміналістики шляхом вивчення під час допиту й інших слідчо-розшукових дій його індивідуальних якостей і властивостей, відображених у слідах злочинів (зокрема, розкриття особистих характеристик злочинця за допомогою психологічних прийомів і формування доказів у слідчий та оперативній практиці). Висвітлено етичний аспект впливу на особу обвинувачуваного (підозрюваного) під час проведення досудового розслідування і профілактики скоєння злочину. Викладено межі та принципи допустимості психологічного впливу на свідомість злочинця, окреслено моральність як тактичний прийом такого впливу. Виокремлено класифікацію та типологію злочинців за групами й категоріями. Наведено інформацію про пізнання особистості злочинця, яке в криміналістиці здійснюють шляхом вивчення його індивідуальних якостей і властивостей, відображених у слідах злочинів. Доведено, що правильно проаналізована інформація про біографічні дані підозрюваного дає змогу слідчому ефективно впливати на цінності особистості.

Ключові слова: злочинець; підозрюваний; слідча й оперативна практика; слідчі дії; біхевіоризм; метод експерименту; судово-психологічна експертиза; профайлінг; детектор брехні.

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Declaration of Competing Interest

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