

## ISMGE 2020

### II International Scientific and Practical Conference "Individual and Society in the Modern Geopolitical Environment"

# CRIMINAL IDENTITY AS A COMPONENT OF ENVIRONMENTAL CRIMINALITY AND CRIMINALITY ECOLOGY

Olga Yakovleva (a)\*  
\*Corresponding author

(a) Volgograd State University, Prospekt Universitetskij, 100, 400062, Volgograd, Russian Federation, olgayakovlev@mail.ru

### *Abstract*

The problem of studying criminal identity has always been the attention subject of criminology, criminal law, criminal procedure, criminalistics, and other legal sciences. Each personality, including criminal identity, has different characteristics and qualities that distinguish one person from another. Identification, analysis, and legal assessment of these properties and features, their fixation for further use constitutes the main content of the personality studying. In general, environmental criminality is viewed through the description prism, i.e. level, structure, dynamics, relationships with other processes taking place in society. Understanding and explanation are formed by the contradictions that arise in the interaction of man and nature, the social control system of crime. A person draws his knowledge, thoughts, experience from the environment around him. Analyzing the objective conditions that determine and differentiate criminal behaviour, along with social, economic, socio-cultural, and social-psychological factors as an independent factor, it is necessary to identify natural factors caused by the human environment. In this case, these are components of the natural environment that have increased attractiveness for people who commit crimes in the ecology field. Eco-criminology research cannot be limited to environmental criminality, it should be expanded to include the criminality ecology. In the process of a criminal act, a person interacts with people around him, the environment, and this leads to the reflection of both personality traits and actions, deeds. As a result, traces arise, that carry information about the mental, social, individual characteristics of the identity.

2357-1330 © 2020 Published by European Publisher.

**Keywords:** Crime, criminology, criminality ecology, criminal identity, environmental criminality, personality.



This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial 4.0 Unported License, permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

## 1. Introduction

Personality is a "mirror" that allows you to reflect all the unique features of a person and events that influenced its formation and development and thus determined its behaviour, including criminal behaviour, reflecting the behaviour mechanism and the role that the person plays in the crime. In other words, the personality concept can be represented as a "social face of a person" (Andreeva, 2017, p. 535).

According to the fair judgment of scientists in the field of criminal law and criminology, a huge role in preventive work with crimes is played by the study of the criminal identity, which, according to Kudryavtsev (2003), allows the law enforcer to investigate not only persons who have already committed a crime but also persons who may commit such crimes in the future. These conclusions can be made by analyzing the legal nihilism of a would-be criminal.

Only after conducting a complex and comprehensive analysis of the criminal identity structure, it is possible to understand it, taking into account all the features and specifics (Doha Declaration, 2020). The main information about the criminal identity, which should be considered in the preventive face-to-face work with lawbreakers are information about the circumstances that led to criminal behavior, criminal and other illegal behavior, socio-demographic characteristics and leading relationships of the personality, individual psychological and other peculiarities of the personality, the living conditions, work and the immediate circle of the personality.

In general, environmental criminality is viewed through a prism: 1) its description, i.e. the level, structure, dynamics, relationship with other processes occurring in society; 2) understanding and explanation, the root of which is formed by the contradictions arising from the interaction of man and nature; 3) the social control system over criminality. Research in the field of latent crime has provided a more complete picture of the number of environmental crimes committed and confirmed the intuitive assumptions of criminologists about the extremely high latency rate of this group of crimes.

## 2. Problem Statement

However, criminological research hardly considers the ecology of criminality. The criminality ecology studies the specifics of the interaction of the climate, natural landscape, flora, and fauna of the region, the structure of its construction is on the one hand, and the variety of human experiences (victimization – fear of criminality), and on the other, and as a result, the dependence of the "image" of criminality on the "image" of the environment. In this regard, a significant element of the criminal behaviour mechanism is the natural environment, which should be considered one of the indicators that determine criminal behaviour (Zabryansky, 2011). A person draws his knowledge, thoughts, experience, and motives from the environment around him. Analyzing the objective conditions that determine and differentiate criminal behaviour, along with social, economic, socio-cultural and social-psychological factors as an independent factor, it is necessary to identify natural factors caused by the human environment (Dzikonская, 2011). In this case, these are components of the natural environment that have increased attractiveness for the category of persons in question.

### **3. Research Questions**

Personality is a "mirror" that allows you to reflect all the unique features of a person and events that influenced its formation and development and thus determined its behaviour, including criminal behaviour, reflecting the behaviour mechanism and the role that the person plays in the crime. In other words, the personality concept can be represented as a "social face of a person" (Andreeva, 2017, p. 535).

According to the fair judgment of scientists in the field of criminal law and criminology, a huge role in preventive work with crimes is played by the study of the criminal identity, which, according to V. Kudryavtsev (2003), allows the law enforcer to investigate not only persons who have already committed a crime but also persons who may commit such crimes in the future. These conclusions can be made by analyzing the legal nihilism of a would-be criminal.

### **4. Purpose of the Study**

Only after conducting a complex and comprehensive analysis of the criminal identity structure, it is possible to understand it, taking into account all the features and specifics (Doha Declaration, 2020). The main information about the criminal identity, which should be considered in the preventive face-to-face work with lawbreakers are information about the circumstances that led to criminal behaviour, criminal and other illegal behaviour, socio-demographic characteristics and leading relationships of the personality, individual psychological and other peculiarities of the personality, the living conditions, work and the immediate circle of the personality.

### **5. Research Methods**

In general, environmental criminality is viewed through a prism: 1) its description, i.e. the level, structure, dynamics, relationship with other processes occurring in society; 2) understanding and explanation, the root of which is formed by the contradictions arising from the interaction of man and nature; 3) the social control system over criminality. Research in the field of latent crime has provided a more complete picture of the number of environmental crimes committed and confirmed the intuitive assumptions of criminologists about the extremely high latency rate of this group of crimes.

### **6. Findings**

Personality is an integral phenomenon studied by philosophy, social sciences, and the cycle of legal sciences: criminology, criminal law, criminalistics.

Information about the subject of the crime, as well as the criminal identity, contains, first of all, the science of criminal law and criminology, from which criminalistics draws data. In turn, related branches knowledge are provided by criminalistics in the form of various scientific discoveries and developments in the field of forensic characteristics of the person who committed a criminal act and illustrates the specific aspects of the person both in the mechanism of the crime and in the processes of marking formation. According to many scientists, information about the person should be included in the fact in proof. Thus, according to the point of view of the team of authors, who devoted several works to the

essence and content of environmental crime, information about the criminal identity, which reflects his socio-demographic status, as well as psycho-physiological features of this person, should be included in the layer of criminally-remedial rules governing issues in the field of evidence. Information about the socio-demographic side of the personality should reflect the following information: educational level, family and social status, nationality, living standard, place of residence, as well as family relations and relations in work collective. Psycho-physiological features of a person are characterized by the following data: personality character, the motivation sphere, as well as its emotional state and mood (Tatyanina et al., 2019, p. 109-114).

These factors are determined by the fact that, when committing a criminal act, a person interacts with the outside world, which affects the properties of the person, actions, and behavior. The consequence of this is the appearance of traces that reflect information about the personality, its specifics, as well as information on the social and mental plan.

Environmental criminality is characterized by both sustainability and situationality. The first case reflects a persistent breach of environmental rules and pollution of natural objects, the second case refers to one-time violations (waste disposal, destruction of trees, etc.). These elements are explained by the purpose of the subject of crime, which may have lucrative reasons or be related to the position of the criminal.

All persons, who have committed environmental crimes can be classified into several group categories: the first group consists of employees who hold senior positions, whose competence includes compliance with environmental rules and control of their execution by other persons; the second group consists of employees who can be set on to commit a crime against their will by the orders of the head; the third group includes persons with a vested interest who are aimed at destroying natural resources. Law enforcement is of the greatest interest to the first of these groups of persons. This group includes experts, representatives of local governments, various committees, and ministries in the field of environmental protection, engineers, heads of various organizations and other key specialists. Such persons have a high vocational status and an appropriate education level and special authorities. Researcher Volkov (2019) believes that such factors as vocational training, work experience in the professional sphere affect the criminal behavior of these groups of persons. For example, those who first started performing their duties after recently graduating from higher education institutions generally perform their work in good faith and comply with the law, while often treating their work creatively (Volkov, 2019, pp. 57-59). Researcher Reshetnikov (2017a) believes that these people categories lack the qualities that would allow them to fully perform their official duties, and there is not, first of all, an environmental mindset (pp. 53-54). It is "blunted" by the corruption element of the behavior of these subjects. Dolotov (2011) conducted a regional study aimed at determining the role of corruption as a criminogenic factor that contributes to the Commission of environmental crimes on the territory of the constituent entity of the Russian Federation. The following sources were used as an empirical base: official statistical data of the Information Center of the regional CIAD, media news. The analysis was based on the survey results of respondents: procuracy officers, department officers of the Federal Service for Supervision of Nature Resources, inspectors of the Committee for environmental protection and ecosystem exploitation, representatives of environmental non-governmental organizations. The study found that the real data on the state of environmental

criminality in the region is underestimated by at least half. The main reason for this circumstance, scientists believe corruption, which is manifested in such situations when important persons carry out the protection of criminals. Experts note that employees of environmental bodies are often corrupt, bribes are transferred during the construction and operation of various objects to quickly pass the procedures for processing documents and ignoring the identified legal offenses in the field of ecology (Dolotov, 2011).

Legal compliance of a person can be determined by such factors as experience, competence, work experience (Anisimov, 2020, p. 148-149). In our opinion, it is impossible to detract from the importance of psycho-physiological personality characteristics, which directly affect the activities of the liable person. The influence of the psychological traits of a person is very strongly reflected in his actions and behavior (Gross, 2020). Psychological characteristics such as initiative or a tendency to fall under the influence of another person play a huge role in the commission of a crime. An important factor is that which determines the time of the intention and the form of its manifestation in preparation for the commission of a crime or in concealing this crime (Vestov, 2017, pp. 15-16).

Violation of environmental legislation, in particular, submission of documentation that does not correspond to the instructions provided by the customer for the production of environmental assessment, commissioning permit to put the object into operation without the availability of appropriate equipment, the groundless positive environmental assessment may be committed intentionally caused and carelessly. Various points of view have been expressed in the legal literature on this issue. According to one of them, the mental state is characterized only by intent, another both intent and carelessness are allowed. Bepalov (2019) believes that the mental attitude of a person who committed an environmental crime is different from the act and consequences. The intent is possible only about the act, and about causing harm to health is carelessness (Bepalov, 2019, pp. 642-650). The mental component of a person who has perpetrated a crime consists of awareness of the committed violations, in particular, the provisions and norms established by the state and the attitude to the harmful consequences that have occurred. The manager's status, education level, responsibility, and awareness of the extent of environmental harm obliges subjects to assess the harm that may occur as a result of the potential consequences of violations of rules in the field of ecology.

The criminal situation directly affects criminal identity, formation, and development. The circumstances in which the person was formed at the time of the commission of the crime, play a huge role in the manifestation of criminal behavior of the lawbreaker: natural factors; lack of preparedness of specific categories of persons for activities; lack of control on the part of environmental authorities; poor information support for activities to organize the fight against environmental crimes; lack of a viable mechanism for public participation in activities to combat environmental crime; low level of legal consciousness and ecological culture.

Legal consciousness reflects the legal reality in the form of legal knowledge and relations to the law, the practice of its application, legal attitudes that regulate activities in the field of ecology in various legally significant situations. Therefore, the level development of the professional legal consciousness of each manager directly depends on the quality and result of the functioning of the structure that he manages. Professional legal consciousness has the following features: 1) respect for the law, law, the practice of its application; 2) virtually directed the supervisor not only knows environmental legislation

but also actively uses it in its activities; 3) is closely related to public and individual consciousness; 4) deeply specified in the content of legal psychology and legal ideology; 5) is closely related to moral consciousness. These features are "veiled" by various forms of legal awareness deformation. One of these forms is legal infantilism, which consists of the fact that a person who has committed a criminal act in the field of ecology does not have enough legal views and there are gaps in legal knowledge. The next deformation type in terms of "severity" is legal nihilism, which is expressed in the fact that the carriers have a more negative, dismissive or indifferent attitude to the law, ecological legislation, and legal reality. Its characteristic features are prevalence, open character, unique regional coloring, contact and merging with political, state, environmental, moral, and other nihilism types. It should be noted that the phenomenon of legal awareness rebirth is one of the most severe forms of legal awareness deformation. It is understood as a form of its deformation, which consists in the fact that the subject consciously ignores and denies the law and is accompanied by the presence of the carriers of intent to the commission of crimes.

Legal awareness is inextricably linked with the legal culture (in our case with the environmental and legal culture). According to the estimates of many government departments, expert opinions and the results of scientific research is a unanimous conclusion that the lack of effective implementation of environmental law is largely due to the low environmental and legal culture of not only the population majority of the country, but also government officials, heads of enterprises, local government employees, and decision-makers on environmentally significant projects. Despite a sufficient number of scientific studies conducted in the direction of forming the ecological and legal culture of future specialists. The serious problem is that most of them belong to pedagogy. At the same time, there is a great need to develop normative-legal regulation of environmental problems, to create a mechanism for environmental and legal monitoring of decisions made in terms of not only current work plans, but also their prospects, forecasts for the future related to environment protection and resources conservation (Reshetnikov, 2017b). The most important factor for the formation of ecological and legal culture is the requirement of the Federal law "On Protection of Environment" of the obligation for managers and executives to have professional training. This obligation affects the legal status of those managers and specialists who work under an employment contract or contract and is related to activities that have or are likely to harm the environment and human health.

## **7. Conclusion**

The facts that we have considered in this study show that the study of eco-criminology cannot be limited only to environmental criminality. It should be expanded to include the criminality ecology, the core of which is formed by environmental and ecological-psychological factors that affect crime.

Environmental criminality is determined by the structure, development level, dynamics, and the relationship of processes occurring in society, as well as a contradiction understanding that arise in the interaction of man and nature (Anisimov, 2018, pp. 20-22).

## References

- Andreeva, O. A. (2017). Contradictions of environmental-legal awareness and ensuring the environmental legal order. *Legal Order and Legal Values: A Collection of Scientific Articles of the All-Russian Scientific and Practical Conference*, 535.
- Anisimov, A. P. (2018). Modern problems of environmental legal awareness. *Legal order and legal values: a collection of scientific articles of the All-Russian Scientific and Practical Conference*, 20–22.
- Anisimov, A. P. (Ed.). (2020). *Discussion Problems of Environmental Law* (Monograph). Yurlit-platform.
- Bespalov, Yu. F. (2019). *The Criminal Code of the Russian Federation: Article-By-Article Scientific and Practical Commentary*. Eksmo.
- Doha Declaration on the Inclusion of Crime Prevention and Criminal Justice*. (2020). <https://unodc.org/documents/congress/Declaration/V1504153>
- Dolotov, R. O. (2011). The influence of the level of corruption on the environmental situation in the region. In *Ecology and Criminal Law: The Search for Harmony: Proceedings of an International Scientific and Practical Conference*. Publishing house EDVI.
- Dzikonskaya, S. G. (2011). The state and structure of environmental crime in Russia and the problems of its prevention. In *Ecology and Criminal Law: Conferences*. Publishing house EDVI.
- Gross, G. (2020). *Kriminaipsychologic Jarz*, 3. <https://wiselawyer.ru/poleznoe/19047-yuridicheskaya-psikhologiya>
- Kudryavtsev, V. N. (2003). *Crime Control Strategies*. URIGHT.
- Reshetnikov, V. Ya. (2017a). Improving environmental and legal qualifications in the structure of educational relations in Russia. *Legal Institutes and Environmental Protection Methods in Russia, the CIS Countries and the European Union*, 53–54.
- Reshetnikov, V. Y. (2017b). Improving environmental and legal qualifications in the structure of educational relations in Russia. In *Legal Institutes and Environmental Protection Methods in Russia, the CIS Countries and the European Union: State and Effectiveness: Materials of the IV International Scientific and Practical Conference*, 4. Publishing house Saratov source.
- Tatyanina, L. G., Lukomskaya, A. S., & Yuldoshev, R. R. (2019). The concept, essence and modern prospects for the prevention of environmental crime in the Russian Federation. *All-Russian Criminological Journal*, 109–114.
- Vestov, F. A. (2017). Implementation of the guilty principle in the field of environmental crimes. *Legal Institutes and Environmental Protection Methods in Russia, the CIS Countries and the European Union*, 15–16.
- Volkov, V. Yu. (2019). Legal awareness in the mechanism of ensuring the environmental law and order. *Legal Order and Legal Values: A Collection of Scientific Articles of the All-Russian Scientific and Practical Conference*, 57–59.
- Zabryansky, G. I. (2011). Environmental crime. *Ecology and Criminal Law: The Search for Harmony: Proceedings of an International Scientific-Practical Conference*. Publishing house EDVI.