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## CRIMINOLOGY CHARACTERISTICS OF A PERSON WHO COMMITS SMUGGLING TRANSPLANT ORGANS AND OTHER HUMAN ANATOMICAL MATERIALS

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### **Subot N.I. Criminology characteristics of a person who commits smuggling transplant organs and other human anatomical materials.**

The article provides a detailed analysis of the complex dynamics involved in criminal offences related to transplant medicine. The authors conduct an in-depth examination of the psychological, social, and economic factors that drive individuals to engage in organ smuggling.

Emphasis is placed on the characteristics of individuals with medical education or connections in the medical field, and their ability to organize and carry out such operations with high levels of professionalism and planning. Additionally, the article highlights the importance of understanding these criminal offences in developing effective strategies to combat organ smuggling and prevent similar actions in the medical field.

The study considers ethical, legal, and moral aspects, fostering a discussion on ethical principles and legality in this sphere, emphasizing the necessity of adhering to medical-legal norms to ensure the safety and ethicality of medical practices.

The conclusion drawn is that individuals committing criminal offenses related to organ trafficking and smuggling of human anatomical materials typically exhibit a complex psychological and ethical profile. They may demonstrate pronounced moral disorientation, amoral beliefs, and limited empathy, given their involvement in criminal activities that have serious consequences for others. Moreover, such individuals may possess advanced organizational skills and self-assurance, as organ and anatomical material smuggling require a high level of professionalism and strategic planning. Additionally, these individuals may demonstrate advanced organizational skills and self-confidence, as organ and anatomical material smuggling necessitate a high level of professionalism and meticulous planning. A comprehensive analysis of the criminological characteristics of these individuals is essential for understanding the nature and evolution of

this form of criminality and for developing robust strategies to counter and prevent such activities effectively.

**Key words:** smuggling, organ transplantation, transplantation of other human anatomical materials, criminal individual, criminological characteristics.

### **Субот Н.І. Кримінологічна характеристика особи, яка вчиняє контрабанду органів для трансплантації та інших анатомічних матеріалів людини.**

Стаття детально розглядає складну динаміку, що виникає при вчиненні кримінальних правопорушень у сфері трансплантаційної медицини. Автори проводять глибокий аналіз психологічних, соціальних та економічних факторів, що спонукають осіб до зайняття контрабандою органів.

Автори звертають особливу увагу на особливості осіб, які мають медичну освіту чи зв'язки у сфері медицини, та їхню здатність організувати та здійснювати подібні операції з великим професіоналізмом і плануванням.

Крім того, стаття акцентує на важливості розуміння цих кримінальних правопорушень для розробки ефективних стратегій боротьби з контрабандою органів та запобігання подібним діям у медичній сфері. Дослідження враховує етичні та правові аспекти, а також розвиває дискусію про моральні принципи і законність в цій сфері, наголошуючи на необхідності дотримання медично-правових норм для забезпечення безпеки та етичності медичних практик.

Доведено, що усвідомлення характерних рис особи, яка вчиняє контрабанду органів та інших анатомічних матеріалів людини, надає можливість фахівцям у галузі кримінології формулювати дієві контрзаходи. Вагомим значенням також набуває розробка превентивних та освітніх програм, спрямованих на підвищення рівня поінформованості громадськості стосовно згаданої проблематики та морально-етичних аспектів відповідної протиправної діяльності.

Робиться висновок, що особи, які вчиняють кримінальні правопорушення, пов'язані з кон-

трабандою органів для трансплантації та інших анатомічних матеріалів людини, зазвичай мають складний психологічний та етичний портрет. Вони можуть проявляти виражену моральну дезорієнтацію, аморальні переконання та обмежену емпатію, оскільки залучені до злочинної діяльності, яка має серйозні наслідки для інших людей. Також такі особи можуть мати розвинені організаційні здібності та впевненість у собі, оскільки контрабанда органів та інших анатомічних матеріалів людини потребує високого рівня професіоналізму і стратегічного планування. Аналіз кримінологічних характеристик цих осіб є ключовим для розуміння природи та розвитку цієї форми злочинності, а також для вироблення ефективних стратегій протидії цим діям та їх запобігання.

**Ключові слова:** контрабанда, трансплантація органів, трансплантація інших анатомічних матеріалів людини, особа злочинця, кримінологічна характеристика.

**Formulation of the problem.** Criminal and unlawful activities related to the smuggling of transplant organs and other human anatomical materials have become an important subject of research in the field of criminology. This issue is significant not only in terms of combating crime but also in ensuring ethical and legal principles in the medical sphere. This article examines the criminological characterization of individuals engaged in the smuggling of transplant organs and other human anatomical materials.

**State of scientific development.** The study of the criminal offender in general and the specific characteristics of the criminal offender engaged in the smuggling of human organs and other anatomical materials has been undertaken by scholars such as S. Denysov, K. Kharchenko, K. Shapoval, O. Bepal, J. Gonzalez, I. Garijo, A. Sanchez, D. Marty, F. Ambagtsheer, R. Bugter, and others.

**The purpose of the article** is to provide a criminological characterization of individuals involved in the smuggling of transplant organs and other human anatomical materials.

**Presenting main material.** S. Denysov notes that the concept of «criminal personality» is complex and can be generalized by three criteria. Firstly, the formal characteristic regards the criminal as someone who has committed a criminal offense and includes biological, social, and psychological aspects of this person. Secondly, the substantive characteristic defines the criminal through the commission of a criminal offense and the presence of a causal link with socially dangerous actions. Thirdly, the formal-substantive characteristic considers the person's state at the time of committing a specific criminal

offense, determining the time frame during which they can be considered a «criminal personality» [1, p. 152].

Exploring the essence of the concept of a criminal personality requires examining its structure, which encompasses a series of specific traits and properties [2]. Domestic criminologists view the structure of a criminal as a combination of various elements, each of which we propose to analyze. Socio-demographic characteristics include information about gender, age, level of education, marital status, occupation, employment status, nationality, place of residence, and so on. [1, p. 152].

The mentioned characteristics are inherent to everyone. Collectively, socio-demographic features provide necessary information without which it's impossible to give a full characterization of criminals, compile statistical data, and develop prevention programs to curb criminal activities related to the smuggling of transplant organs and other human anatomical materials. For instance, by analysing the gender characteristic, one can conclude that most individuals involved in smuggling transplant organs and other human anatomical materials are men, while women constitute a smaller proportion [3, p. 301].

Many researchers emphasize that men, on average, exhibit criminal activity six times more often than women. This is explained by the fact that women typically have a more limited field of activity due to family responsibilities and household duties, making them less susceptible to situational influences that lead to criminal behaviour. Compared to women, men are noted for their greater variety and intensity of emotions, which can provoke thoughts of committing criminal offenses. Additionally, men more frequently consume alcohol and drugs, which can lead to a deterioration of control and stimulate criminal activity [4, p. 160].

Examining the age of criminals helps identify criminal activity among different age groups of the population, such as minors, youth, and adults [3, p. 301]. Traffickers of transplant organs and anatomical materials can belong to different age groups, including youth, middle-aged individuals, and elderly people. Different age groups may have different motives and methods of operation when committing the analysed offense. However, individuals who engage more frequently in the smuggling of transplant organs and other human anatomical materials typically belong to the younger age group, as they may have more energy and motivation to carry out criminal activities [5].

Educational indicators point to the dependence of criminal behaviour on the level of education, intellectual development, and employment status, which strongly influence a person's needs

and interests. For instance, individuals without education and employment are more prone to committing criminally wrongful acts due to their economic dependency. Additionally, individuals with higher education may employ more sophisticated methods or participate in higher-level operations, being members of criminal organizations.

Place of residence also influences the geography of crime, where urban areas may have different characteristics compared to rural areas [3, p. 302]. Since urban areas with international transportation hubs can be more prevalent places for individuals involved in smuggling organs and other human anatomical materials, it's worth noting that potential subjects of organ trafficking and other human anatomical materials include individuals with certain chronic illnesses or in need of transplantation, as they may seek ways to obtain organs or materials at any cost.

The occupations and income sources of smugglers can vary significantly. Among them may be professionals in the medical field, transportation industry workers, or individuals with low income seeking financial gain through illegal means.

Regarding nationality and citizenship, smugglers may be citizens or residents of different countries, and their citizenship status can affect how easily they cross borders and evade law enforcement.

Understanding these demographic characteristics can assist law enforcement agencies, policymakers, and international organizations in developing targeted strategies to combat illegal activities associated with smuggling transplant organs and human anatomical materials.

The next group of characteristics is personal-role ones, reflecting the social roles of individuals that can change over their lifetime and play a significant role in their interaction with society [1, c. 153].

1) Here are a few key aspects to highlight:

2) Social roles: An individual can fulfil various social roles such as being a parent, a student, an employee, a leader, or a team member. These roles can change depending on life circumstances, internal beliefs, and shifts in societal demands.

3) Identity: Personal identity is shaped based on the social roles one assumes. Identification with a specific social role can influence behaviour, thoughts, and attitudes. Throughout life, individuals may undergo changes in their social roles. For instance, career growth may lead to changes in workplace roles, or transitions may occur from one social role to another, such as transitioning from student status to employee status.

4) Impact on interaction: Personal social roles have a significant impact on an individual's interaction with other members of society. For example, if an individual fulfils a leadership

role, they may have a considerable influence on decision-making and organizational processes.

5) Personality development: Engaging in different social roles contributes to personality development, deepening knowledge, skills, and experience. This process is essential for self-improvement and adaptation to changes in the social environment [6].

1) Therefore, personal-role characteristics are a key element in an individual's interaction with society, as they determine how one perceives oneself and others in a social context and influence attitudes, actions, and interactions with others.

2) The personal-role characteristics of an individual engaged in smuggling transplant organs and other human anatomical materials may include the following:

3) Professional role: The individual may possess professional skills and connections that aid in organizing and carrying out smuggling operations. For example, they may have medical education or work in the medical field, giving them access to organizations and knowledge of transplantation procedures.

4) Characteristic personality traits: Cynicism, ruthlessness, fearlessness, adeptness in conducting and evading law enforcement.

5) Social role: The individual may fulfil certain social roles that facilitate their activities in smuggling. For instance, they may have ties to criminal groups or organizations specializing in smuggling and trading human organs.

6) Emotional state: The person often exhibits specific emotional traits, such as high levels of stress, aggression, or helplessness, which can influence their decisions and behaviour during smuggling activities.

7) Motivation: Various motivations may drive the person to engage in smuggling, such as financial gain, desire for power or status, or a sense of adventure and risk [7].

8) Skills and experience: The individual may have specific skills and experience in conducting smuggling operations, such as knowledge of transportation procedures for anatomical materials, the ability to avoid detection, and conceal their activities from law enforcement agencies [8, p. 12]. Therefore, the portrait of a criminal engaged in smuggling transplant organs and other anatomical materials reflects an individual with medical education or experience in the medical field. Their characteristic appearance may have a cynical or ruthless expression, evident in facial expressions and eye expressions, indicating fearlessness or defiance. The portrait may also depict ties to the criminal world or other individuals facilitating smuggling. Emotional state may be portrayed through a certain level of stress, tension, or aggression. The image may

also indicate motivation, which could be related to financial motives or a desire for power.

These characteristics form a complex structure of the criminal, studied by criminologists to understand criminal behaviour, and develop effective countermeasures. Understanding these features allows criminologists to devise effective strategies to combat the smuggling of transplant organs and human anatomical materials. It is also important to develop prevention and education programs to raise society's awareness of these issues and the moral aspects of criminal activity in this area.

**Conclusions.** Therefore, individuals engaged in criminal offences related to the smuggling of transplant organs and other human anatomical materials are typically characterized by a complex psychological and ethical profile. These individuals may exhibit developed moral disorientation, amoral beliefs, and a low level of empathy since they engage in criminal activities that have a serious impact on the lives and health of others. Additionally, such individuals may possess certain organizational skills and self-confidence as smuggling transplant organs and other anatomical materials requires a certain level of professionalism and planning. The criminological characterization of such individuals is an important aspect in understanding the nature and dynamics of this type of criminality, as well as in developing effective strategies to combat these crimes and prevent their occurrence.

#### REFERENCES:

1. Denisov S.F. The identity of the criminal in the criminological theory of Ukraine. *Bulletin of the Criminological Association of Ukraine*. 2020. No. 1(22). P. 152–159.
2. Kharchenko K. Criminological characteristics of persons who have committed crimes of leaving in danger and failure to aid a person in a life-threatening condition.

ΛΟΓΟΣ. 2020. <https://www.ukrlogos.in.ua/10.11232-2663-4139.05.15.html> (access date: 05/14/2024).

3. Shapoval K.A. The identity of the criminal as an element of the forensic characterization of murders committed in connection with the use of domestic violence. Actual problems of modern science in the research of young scientists: theses add. participants of science and practice conf. on the Science Day celebration (Kharkov, May 15, 2020) / Ministry of Internal Affairs of Ukraine, Kharkiv. national University of Internal Affairs affairs Kharkiv: KhNUVS, 2020. P. 299–303.
4. Bepal O.L. Socio-demographic characteristics of persons who committed family violence against children. *Information and law*. 2018. No. 24 (1). P. 159–163.
5. Gonzalez J., Garijo I., Sanchez A. Organ Trafficking and Migration: A Bibliometric Analysis of an Untold Story. *Int J Environ Res Public Health*. 2020. № 17(9). № 3204. doi: 10.3390/ijerph17093204.
6. Guy-Evans O. Social Roles And Social Norms In Psychology. *Simply Psychology*. 2023. № 4. URL: <https://www.simplypsychology.org/social-roles.html> (дата звернення: 14.05.2024).
7. Marty D. Inhuman treatment of people and illicit trafficking in human organs in Kosovo. URL: <https://reliefweb.int/report/albania/inhuman-treatment-people-and-illicit-trafficking-human-organs-kosovo-report> (date of appeal: 14.05.2024).
8. Ambagtsheer F., Bugter R. The organization of the human organ trade: a comparative crime script analysis. *Crime Law Soc Change*. 2023. № 80. P. 1–32. URL: <https://doi.org/10.1007/s10611-022-10068-5>.