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DETERMINANTS OF VIOLENT CRIMES COMMITTED BY PERSONS WITH PSYCHICAL ANOMALIES

The article presents the results of its own research into the category of violent crime of persons with psychical anomalies within the limits of sanity and an analysis of the reasons and conditions that contribute to the commission of these criminal offenses.

It was determined that clarifying the reasons and conditions for committing violent crimes, where the subject of the commission is a person with psychical anomalies within the limits of sanity, is important for further activities related to their prevention and prevention. It is emphasized that psychical anomalies can have criminogenic and social significance, but they can't be a direct cause of criminal behavior. Attention is focused on the fact that mental anomalies are internal, subjective conditions, that is, the ground on which, under unfavorable social circumstances, antisocial intentions more easily arise and are realized. It was concluded that psychical anomalies alone can't fully explain some reasons for committing crimes. It has been proven that the causes and conditions of violent crimes committed by persons with psychical anomalies are a set of material, ideological, socio-demographic and other factors existing in our society today, under the influence of which a certain category of persons, and especially those with psychical anomalies, antisocial views and habits are approved, and on this basis, a criminal intention is formed and implemented.

Key words: criminal offense, violent crime, premeditated murder, premeditated grievous bodily harm, sexual crimes, the identity of the criminal, the victim, causes and conditions of violent crimes, psychical anomalies, sanity, insanity, limited sanity.

Formulation of the problem. The relevance of the problem of criminological and criminal-legal characteristics of violent crimes committed by persons with psychical anomalies within the limits of sanity is determined, firstly, by the range of legal problems that arise in the activities of law enforcement agencies when they carry out preventive activities. Secondly, according to the latest domestic studies, persons who have psychical anomalies that don't deprive them of the ability to be aware of their actions and manage them make up 36.9 % of those guilty of violent crimes.

Analysis of recent research and publications. The question of the peculiarities of the commission of crimes by persons with psychical anomalies was raised by well-known domestic and foreign scientists, for example: A. Zakaliuk, A. Zelinskyi, M. Korchovyi, L. Kryhina, V. Ileiko, V. Lykholob, O. Mykhailov, V. Pervomaiskyi, T. Prykhodko, O. Khodymchuk, O. Tsubera. The specified scientists substantiated the special role of mental abnormalities in the genesis of criminal behavior on a theoretical and sometimes practical basis, determined the prevalence of psychical anomalies among different categories of criminals, and investigated the features of the criminal's personality. However, in itself, attention to the problem of the impact of psychical anomalies on crime doesn't mean its full study, because until now there are no monographic works in Ukraine that would comprehensively study the problem of violent crime by persons with psychical anomalies, and in modern criminology, different, sometimes significantly different and poorly substantiated information on the prevalence of mental abnormalities among persons who have committed violent crimes. And in the practical activity of law enforcement agencies in the context of activities related to the prevention and prevention of violent crimes, in fact, the presence of psychical anomalies within the limits of sanity in the subject of a criminal offense is not taken into account, and the psychical anomalies themselves are not detected, which significantly reduces the effectiveness of preventive activities.

Therefore, the relevance of highlighting the theoretical scientific and practical aspects of the causes and conditions of committing crimes by persons with psychical anomalies, namely the perpetrators of crimes, is beyond doubt.

The purpose of the article is to analyze some of the reasons and conditions for committing violent crimes by persons with psychical anomalies.

Presenting main material. The question of specific causes and conditions as determinants of violent crimes can't be properly resolved without solving the theoretical question of the criminological relationship between the causes and conditions of crime in general. Despite the fact that it is often difficult to distinguish between causes and conditions, the requirement of such a distinction in the analysis of the determination of social phenomena has an important methodological significance. The identification of causes and conditions in criminology, as well as not identifying the main factors that determine a specific type of crime, seems to us to be incorrect not only in theory, but also in practical terms, as it makes it difficult to focus practical activities on establishing and eliminating the most criminogenic circumstances. That's why it is so necessary to find out the place of reasons and conditions for committing a specific crime, especially if we are talking about violent crimes, where the subject of the commission is a person with psychical anomalies within the limits of sanity.

The doctrine of modern criminological science understands the causes of the commission of criminal offenses as such processes and phenomena that generate crime as its direct consequence, and conditions are phenomena that, although they do not directly generate crime, but, so to speak, facilitate the occurrence of socially dangerous consequences [1, p. 139]. A reason, as you know, is always necessary for an action, but not always sufficient. It becomes such when the appropriate conditions are present. The causal factor in criminal behavior always interacts with a set of conditions: external, inherent in the environment, and internal, inherent in a person. Conditions can facilitate or hinder the cause.

Mental abnormalities can undoubtedly have criminogenic and, therefore, social significance, but they can't be the direct cause of criminal behavior, and persons who suffer from them are by no means doomed to commit a crime. Psychical anomalies are internal, subjective conditions, that is, the ground on which, under unfavorable social circumstances, antisocial intentions more easily arise and are realized. And perhaps that is why mental abnormalities can't fully explain some reasons for committing crimes. Psychologists [2, p. 198] claim that the main causes of crimes, in the presence of pathologies in the psyche, are social, and pathologies are a kind of catalyst that has criminogenic significance.

If psychical anomalies become the cause of socially dangerous actions, then such actions will in no case be criminally punished, since such a person will be recognized as innocent, and the subject of a crime, as is known, can only be such a person who has consciousness and will, reports the report in his actions and controls them. In other words, if a disease or other disorder of mental activity is the cause of socially dangerous actions, then the person can't be recognized as reprehensible, because the cause of these actions is not the antisocial features of the person, but the disease or said disorder itself [1, p. 140]. In the behavior of any sane person, including a person with psychical anomalies, pathological features are not decisive, they are mediated by the social content of his consciousness. So, for example, psychopathy, even in combination with the adverse influence of the environment, does not always become a condition that contributes to the commission of a crime. And that is why the reasons and conditions for committing violent crimes by persons with psychical anomalies within the limits of sanity deserve the special attention of scientists – criminologists.

As part of the research carried out in Ukraine on the problems of committing violent crimes by persons with psychical anomalies within the limits of sanity, it is currently more appropriate to analyze criminal behavior at the personal level, because knowledge of the objective factors that determine this type of crime will allow a deeper understanding of its nature, to understand its genesis and on this basis to correctly define a set of measures aimed at ensuring public order, prevention of offenses, timely and complete disclosure of crimes of this category.

As shown by the results of our recently conducted one of the few 21st century criminal-legal studies of violent crimes committed by persons with psychical anomalies, the predominance is intentional murder – 48.8 %, intentional grievous bodily harm – 16 %, hooliganism combined with violence – 16.7 % and sexual crimes – 17.8 %. Victims (victims) of violent crimes committed by persons with psychical anomalies are: men – 56.1 %; women – 31.7 % of crimes; minors – 12.6 %.

The causes and conditions of violent crimes committed by persons with psychical anomalies are a set of material, ideological, socio-demographic and other factors existing in our society today, under the influence of which a certain category of persons, and especially those with psychical anomalies, are approved anti-social views, habits, and on this basis the criminal intent is formed and implemented. Therefore, taking as a basis the traditional approach to determining the factors of violent crimes and relying on the empirical basis of our research, we will try to find out the reasons for the commission of violent crimes by persons with anomalies of mental development and the influence of shortcomings in investigative and judicial practice on the state of combating this category of crimes.

Among the reasons for the existence of violent crime by persons with psychical anomalies, in our opinion, the low educational level, deficiencies in the educational work of educational institutions, and deficiencies in the activities of correctional and labor institutions of the punishment system, the consequence of which is recidivism, should be put in the first place. The fact is that the insufficient level of education and the lack of cultural habits in some part of the population often lead to a significant narrowing and simplification of interests, to the degradation of the personality, which in some cases contributes to the commission of violent crimes. Also, serious deficiencies in the educational work of educational institutions often contribute to the commission of violent crimes by persons with psychical anomalies. Firstly, we are talking about shortcomings and oversights in educational work among young people on the part of teachers and their reluctance to concern themselves with the problems of teenagers. As a result, sometimes in schools there are cases of gambling, lack of culture, humiliation of peers, which in turn leads to the commission of crimes by students, as the study showed – mainly sexual and hooliganism.

The next reason for committing violent crimes by persons with psychical anomalies is recidivism: among persons who have psychical anomalies and have committed violent crimes, a very large number of previously convicted persons – almost 48.7 % of persons are recidivists. This indicates serious deficiencies in the activity of the criminal enforcement system and the weak work of law enforcement agencies.

As for the conditions for committing violent crimes by persons with psychical anomalies, the following should be noted. In the nature of human behavior, there is no fatal tendency to criminal behavior, and there can't be an unambiguous complex of external (social) factors that lead to the commission of a criminal offense or exclude it. In this case, we are talking about the interaction of the social and the biological in the person of the criminal in their inseparable unity, otherwise it is impossible to explain why there are facts of non-commitment of a crime by persons who, although they have psychical anomalies within the limits of sanity and, moreover, are under the influence for a long time a negative microenvironment, or vice versa, the commission of crimes in an unfavorable situation by persons with a healthy psyche, whose behavior always complied with the norms of the law. It is not just that the influence of the criminogenic environment is compensated by another, positive influence, or prevails over it. Obviously, such qualities of a person should be formed here that would directly determine the content of behavior both in one direction and in another.

Conditionally, two aspects of behavior determination can be distinguished: external and internal (personal). A generally accepted point of view in psychology is that external factors are refracted through internal conditions. In the set of qualities that characterize a person, a certain place is occupied by those related to the field of biology. Most often, it is these qualities that acquire social significance, because the environment, although it shapes the personality, but not directly, but depending on its biological features. Social development is conditioned by a system of various social relations, where social ties and relations are the driving force. But the formation of certain moral qualities of a specific person is possible only if the level of his neuropsychological development is determined. And only such qualities can be considered as a necessary condition for the formation and formation of a person under the influence of the microenvironment of the past and present.

As you know, a person and his worldview are formed primarily under the influence of social factors. The essence of human behavior, its direction and content have, first of all, a social origin and meaning. At the same time, the dynamic side of any behavior, including criminal behavior in the broadest sense of the word, is determined by the biological properties of a person. The fact is that the properties of the nervous system, which don't directly affect either the content of the human psyche or the productive side of its activity, are manifested, first, in the peculiarities of temperament, which adds a peculiar design to acts of behavior, and under certain conditions they can have an influence and on the content of a certain activity.

If we talk about the biopsychological properties of a person, then they acquire special importance precisely in the behavior of minors. This is explained by the age characteristics of minors, namely the instability of their emotional and volitional sphere, critical phases of development, which play the role of conditions that contribute to the commission of violent crimes. Juveniles, due to their psychological and mental qualities, are not able to correctly assess the social significance of their actions. But the decisive factor influencing the commission of violent crimes by teenagers is not age specifics, but deviations in their formation and development as individuals. Such deviations are due to various reasons.

As for the ratio of social and biological in the person of a criminal in the presence of mental abnormalities within the limits of sanity, then it is important to determine where and how the biological and social act either as a necessary condition or a guiding factor of behavior. But it must be remembered that mental abnormalities in themselves are not the direct causes of crime. As the mental health (and ill health) of the population is a social factor, so mental abnormalities are among the determinants of crime, although they have a secondary role. Psychological anomalies of any genesis don't rigidly and unambiguously determine criminal behavior. Such behavior is the result of the interaction of socially acquired personal qualities and biological features. If a person has mental disorders within the limits of sanity, the main factors of criminal behavior will still be his moral features, views, beliefs and value orientations. Otherwise, a person can't be found guilty, and his actions criminal [1, p. 142]. Mental disorders can contribute to the formation of a criminal personality only in the presence of certain unfavorable social conditions. Moral education, creation of favorable living conditions, positive influence, combined in necessary cases with medical assistance, are capable of neutralizing the criminogenicity of psychological anomalies, which in other conditions could have a socially dangerous character. On the other hand, an unfavorable environment, lack of socially useful contacts, antisocial lifestyle and negative personal qualities can lead to the emergence of criminologically significant psychological anomalies.

The possibilities of using psychiatric factors to explain criminal behavior are quite limited. It is clear that when investigating biological factors, criminology must inevitably go beyond mental abnormalities. The causes of many mental disorders are biological in nature. Thus, the conducted study showed that more than 6.2 % of violent crimes are committed by persons with a diagnosis of «schizophrenia» and, according to the results of forensic psychiatric examinations, these persons are clearly recognized as insane. Undoubtedly, the main reason for the occurrence of this disease is unfavorable heredity, and the disease «schizophrenia» itself in such a case becomes the direct reason for the commission of violent crimes by these persons.

And yet, even when imitating mental abnormalities, including illness, the degree of their impact largely depends on social conditions. Therefore, psychiatric factors of biological genesis are only part of the problem of the biological in the criminal, which doesn't include such criminologically important phenomena as gender, age, features of the physical constitution, state of health, etc.

The presence of psychological anomalies helps to explain the commission of only some types of crimes, primarily violent ones. On the other hand, individual crimes can be committed by persons who, although they have disorders of mental activity within the limits of sanity, but these disorders have no relation to the committed crime, for example, the commission of robbery by a psychopath, since it is almost impossible to trace the relationship between such a crime and existing anomalies of mental development it is impossible due to the lack of cases of forensic psychiatric examinations on self-interested crimes in investigative and judicial practice.

Congenital psychological anomalies, as well as socially acquired ones, can be criminogenic, but the decisive role does not belong to them, but again to antisocial personal qualities, which, as is known, are not transmitted genetically. It is not properties that are inherited, but a tendency to them. Society and upbringing either humanize human endowments or impart an anti-human character to them, they can either suppress or ennoble natural needs, but they can also give rise to those that have no precedents in the human world.

Conclusions. Psychological anomalies, by themselves, can't be the direct cause of criminal behavior, and persons who suffer from them are not at all doomed to commit a crime, since psychological anomalies are internal, subjective conditions, that is, the ground on which, under unfavorable social circumstances, it is easier antisocial intentions arise and are realized. The causes and conditions of violent crimes committed by persons with psychological anomalies are a set of material, ideological,

socio-demographic and other factors existing in society, under the influence of which a certain category of persons, and especially those with psychical anomalies, adopt antisocial views, habits and on this basis the criminal intent is formed and implemented. Among the main reasons for the existence of violent crime among persons with psychical anomalies, it is necessary to include a low educational level, deficiencies in the educational work of educational institutions, and deficiencies in the activity of the criminal-executive system. The conditions for committing violent crimes by persons with psychical anomalies are the relationship between the social and the biological in the person of the criminal in their inseparable unity and interaction.

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О. О. Хорватова. ДЕТЕРМІНАНТИ НАСИЛЬНИЦЬКИХ ЗЛОЧИНІВ, ЩО ВЧИНЯЮТЬСЯ ОСОБАМИ ІЗ ПСИХІЧНИМИ АНОМАЛІЯМИ

У статті представлено результати власного дослідження категорії насильницької злочинності осіб із психічними аномаліями в межах осудності й аналіз причин та умов, що сприяють вчиненню цих кримінальних правопорушень.

Визначено, що з'ясування причин та умов вчинення насильницьких злочинів, де суб'єктом вчинення є особа із психічними аномаліями в межах осудності, є важливим для подальшої діяльності щодо їх запобігання та профілактики. Наголошено на тому, що психічні аномалії можуть мати криміногенне й соціальне значення, проте вони не можуть бути безпосередньою причиною злочинної поведінки. Акцентовано увагу на факті, що психічні аномалії є внутрішніми, суб'єктивними умовами, тобто ґрунтом, на якому за несприятливих соціальних обставин легше виникають і реалізуються антисуспільні наміри. Зроблено висновок про те, що самі по собі психічні аномалії не можуть цілком пояснити деякі причини вчинення злочинів. Доведено, що причинами й умовами насильницьких злочинів, учинених особами із психічними аномаліями, є сукупність існуючих сьогодні в нашому суспільстві матеріальних, ідеологічних, соціально-демографічних та інших факторів, під впливом яких у певної категорії осіб, і особливо у тих, які мають психічні аномалії, затверджуються антисуспільні погляди, звички, і на цій підставі формується та реалізується злочинний намір.

Ключові слова: кримінальне правопорушення, насильницька злочинність, умисне вбивство, умисне тяжке тілесне ушкодження, статеві злочини, особа злочинця, потерпілий, причини й умови насильницьких злочинів, психічні аномалії, осудність, неосудність, обмежена осудність.

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