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MENTAL ABNORMALITIES IN THE SYSTEM OF CRIMINOLOGICAL SIGNS OF CRIMINAL'S PERSONALITY

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Nesterova I.A. Mental anomalies in the system of criminological signs of the criminal's personality.

It has been proven that today's difficult economic, political, and social living conditions of citizens in Ukraine cause an increase in stress determinants, which generates emotional instability and causes mental disorders. Recently, there has been deterioration in the mental health of Ukrainians. A person's mental state clearly affects his adaptive capabilities, ability to control his behavior and make decisions, commit impulsive acts, etc.

It is determined that according to studies by a number of foreign and domestic researchers, more than half of all criminal offenses are committed by individuals who have mental disorders (mental anomalies) of both biological origin and acquired, which do not deprive them of sanity. In most cases, these are individuals who have committed violent offenses and hooliganism. This problem determines the interest of criminologists, psychologists and psychiatrists in this problem.

It has been proven that in the system of criminological characteristics and characteristics inherent in the criminal (socio-demographic, socio-role, moral-psychological, criminal-legal), the presence of mental anomalies refers to moral-psychological ones. Mental anomalies are certain disorders in a person's mental activity that do not reach the level of mental illness, but can affect a person's behavior. They are diagnosed both in Ukraine and in other countries of the world, but the approaches to their definition and classification differ significantly. These abnormalities may be congenital or acquired and include various conditions such as psychopathy, mental retardation, and some conditions associated with epilepsy, organic brain lesions, chronic alcoholism etc. Criminological studies note that some somatic diseases can also cause certain changes in the psyche (temporary or long-term), which can also affect a person's criminal behavior.

The author shares the opinion of researchers of the problem, Golina V.V. and Golovkin B.M., who note that it is not the mental anomalies themselves that contribute to criminal behavior, but those psychological characteristics that are formed under their influence.

The author agrees with the conclusions of researchers that the number of criminals, especially recidivists and minors, is increasing; the vast majority of offenders with mental disorders are not those who have severe or persistent illnesses, but individuals with psychopathic personality traits and residual phenomena after trauma; a person can acquire such traits as a result of difficult living conditions and the negative influence of the social environment.

Key words: personality of criminal, criminological signs, moral and psychological characteristics, mental abnormalities, mental disorder, sanity, criminal behavior, antisocial tendencies.

Нестерова І.А. Психічні аномалії в системі кримінологічних ознак особи злочинця.

Доведено, що складні економічні, політичні та соціальні умови життя громадян в Україні викликають зростання стресових детермінантів, що породжує емоційну нестабільність та спричиняє психічні розлади. За останні роки спостерігається погіршення психічного здоров'я українців. Психічний стан особи однозначно впливає на його адаптивні можливості, здатність контролювати свою поведінку та приймати рішення, вчиняти імпульсивні вчинки та ін.

Визначається, що за дослідженнями низки зарубіжних та вітчизняних дослідників, більш ніж половина всіх кримінальних правопорушень саме вчиняють особи, які мають психічні розлади (психічні аномалії) як біологічного походження так й набутих, які не позбавляють їх осудності. В більшості випадків це особи, які вчинили насильницькі правопорушення та хуліганські дії. Це й зумовлює інтерес кримінологів, психологів та психіатрів до даної проблеми.

Доведено, що в системі кримінологічної характеристики та притаманних особі злочинця ознак (соціально-демографічних, соціально-рольових, морально-психологічних, кримінально-правових) наявність психічних аномалій відноситься до морально-психологічних. Психічні аномалії являють собою певні порушення у психічній діяльності людини, що не досягають рівня психічної хвороби, але можуть впливати на поведінку людини. Вони діагностуються як в Україні, так й в інших країнах світу, але підходи до їх визначення та класифікації суттєво відрізняються. Ці аномалії можуть бути вродженими або набутими та включають різні стани, такі як психопатії, дебільності та деякі стани, пов'язані з епілепсією, органічними ураженнями мозку або хронічним алкоголізмом. В кримінологічних дослідженнях відзначається, що деякі соматичні захворювання також можуть викликати певні зміни у психіці (тимчасові або тривалі), що також може вплинути на злочинну поведінку особи.

Автор поділяє думку дослідників проблеми Голіни В.В. та Головкіна Б.М., які відзначають, що саме злочинний поведінці сприяють не самі психічні аномалії, а ті психологічні особливості, які формуються під їх впливом.

Автор погоджується з висновками дослідників про те, що кількість серед злочинців, особливо рецидивістів та неповнолітніх зростає; переважна більшість правопорушників із психічними розладами становлять не ті, в кого є важкі чи стійкі захворювання, а особи із психопатичними рисами особистості і залишковими, явищами після перенесених травм; таких рис особа може набувати як результат важких умов життя та негативного впливу оточення.

Ключеві слова: особа злочинця, кримінологічні ознаки, морально-психологічна характеристика, психічні аномалії, психічний розлад, осудність, злочинна поведінка, антисоціальні тенденції.

Problem statement. Modern reality and difficult living conditions of citizens in Ukraine cause an increase in stress determinants, which generates emotional instability and causes mental disorders. Recently, there has been a deterioration in the mental health of Ukrainians. In the structure of mental and behavioral disorders, non-psychotic disorders (including depression) prevail – they were detected in almost half a million Ukrainians, psychotic disorders – in over 260 thousand, 6 and neurotic disorders associated with stress – in almost 130 thousand of the adult population of the country [1, p.170]. A person's mental state clearly affects their adaptive capabilities, ability to control their behavior and make decisions, commit impulsive acts, etc.

According to studies by a number of foreign and domestic researchers, more than half of all criminal offenses are committed by individuals who have mental disorders (mental anomalies), both biological and acquired, that do not deprive them of sanity. In most cases, these are individuals who have committed violent offenses and hooliganism. This fact is what causes the interest of criminologists, psychologists, and psychiatrists in this problem.

In view of this, **the purpose of the study** is a criminological analysis of offenders with mental anomalies, which does not deprive them of sanity.

The state of development of the problem. Many works have been devoted to the problem of studying criminals with mental disorders. Among the scientists who have studied this problem, it is worth noting A.P. Zakaluk, T.A. Golumb, V.V. Guldán, A.F. Zelinsky, M.M. Korchovy, V.G. Lykholob, T.M. Prykhodko, O.O. Khodymchuk and others. However, in domestic research, insufficient attention has been paid to the criminological analysis of offenders with mental abnormalities, which is why the topic of this article is so relevant.

Presentation of the main material. Depending on life circumstances, each person behaves differently: one person is law-abiding, another violates the criminal law. A person who has chosen an illegal option of behavior commits an offense due to certain characteristics of their behavior, which determined the appropriate choice. Therefore, one should agree with criminologists who emphasize that without the identity of the criminal, the commission of a criminal offense is impossible [2, p. 71].

We agree with the opinion of the prominent Ukrainian scientist A.P. Zakaliuk, according to whom the personality of a criminal should be understood as a set of socio-typological features that have formed

in the process of an individual's unfavorable social development, are distinguished by their social unacceptability and the extreme form of the latter – social dangerousness, determine the criminogenic motivation and criminal activity of the individual, and directly cause the commission of a crime [3, p. 239].

Persons who have committed criminally punishable acts are characterized by a large number of inherent signs and characteristics related to their position in society, life positions, behavioral stereotypes, inner world, etc. In this regard, an important theoretical and practical task arises to identify typical, characteristic properties, signs of the criminal's personality, which are usually covered by the concept of «criminological structure of the criminal's personality.» Criminologists most often identify (sometimes with minor differences) the following components: socio-demographic, socio-role, moral-psychological, criminal-legal signs [4, p. 241–243; 5, p. 37–40].

The socio-demographic characteristics of the criminal includes information related to gender, age, education, occupation, marital status, level of financial security, belonging to the urban or rural population, etc. The famous Ukrainian criminologist V.V. Golina aptly expressed this group of signs, writing: “Socio-demographic signs characterize a criminal as a person of a specific era, who has a social status and occupies a certain place in social relations” [6, p. 97].

By social and role characteristics of a criminal person we mean the real social functions of a particular person, determined by his position in the system of social relations, belonging to a certain social group. As notes O.Yu. Shostko, there are two points that need to be investigated when studying the personality of a particular criminal: 1) what social role does the subject play in the family, team, in the circle of friends, in society; 2) what is this role in the perception of the criminal himself [7, p. 93].

Criminal legal signs include information related to the direction and motivation of criminal behavior, the attitude of the perpetrator towards the crime, previous criminal record, whether the crime was committed alone or in complicity, etc. We should agree with I.M. Danshin, who notes that the listed signs have both criminal-legal and criminological significance; their detection and analysis make it possible to comprehensively analyze the committed crime and the identity of the criminal [5, p. 40].

Moral and psychological characteristics makes it possible to know the inner world of a person – his worldview and moral traits, views, beliefs, value orientations. If socio-demographic and socio-role characteristics characterizes the personality of a criminal externally, without delving into his inner world, then moral and psychological qualities allow us to find out why a particular person committed a crime and what his attitude is towards it [2, p. 75]. Moral and psychological qualities make it possible to learn about the reasons for the emergence of motives for illegal behavior in a person, to predict future behavior, and therefore, to implement the necessary preventive measures [7, p. 91].

Investigating the determinants of the commission of criminal offenses, we note that in the person of a criminal, social is inextricably connected with biological and psychological factors, they mutually influence each other, complement each other. It is clearly necessary to distinguish the influence of mental abnormalities on individual, including criminal, behavior of a person. We agree with the opinion of Golina V.V. and Golovkin B.M. that it is not the mental anomalies themselves that contribute to criminal behavior, but those psychological characteristics that are formed under their influence [7, p. 95].

Mental abnormalities as a medical term represent certain disorders in a person's mental activity that do not reach the level of mental illness, but can affect a person's behavior. They are diagnosed both in Ukraine and in other countries of the world, but the approaches to their definition and classification differ significantly. These abnormalities may be congenital or acquired and include various conditions such as psychopathy, mental retardation, and some conditions associated with epilepsy, organic brain lesions, or chronic alcoholism.

Thus, according to research by V.S. Batyrgareeva, almost 53% of recidivists, in respect of whom the relevant examination was conducted, were found to have certain mental disorders that did not exclude sanity. These include persons who committed serious and especially serious violent or mercenary-violent crimes. However, this does not mean that other categories of recidivists do not have mental abnormalities, for example, criminals – drug addicts, whose actions are related to the illegal circulation of narcotics or mercenary offenses [8, p. 115].

M.V. Kostytsky draws attention to the fact that most people with mental abnormalities have a predominance of normal mental phenomena and processes, and therefore they mainly retain their social

ties: in the vast majority of cases, such individuals are able-bodied, capable and sane [9, p. 15].

As already noted, mental abnormalities are diagnosed both in Ukraine and in other countries of the world, but the approaches to their definition and classification differ significantly. Mental abnormalities in Ukraine include: 1) neuroses and neurotic states – neurasthenia (asthenic neurosis), hysterical, depressive, obsessive states of neurosis, neurotic development; 2) psychopathies – excitable, paranoid, hysterical, unstable, inhibitory, schizoid, asthenic, epileptoid, etc. types; 3) character accentuations – hyperthymic, cycloid, labile, asthenoneurotic, sensitive, psychasthenic, unstable, conformal, mixed, etc.; 4) psychopathic development and improper upbringing – hyperprotection, dominant hyperprotection, indulgent hyperprotection, emotional neglect, cruel relationships, upbringing in an atmosphere of the cult of illness, contradictory upbringing, upbringing outside the family, deprivation upbringing, etc.; 5) mental developmental delays – hereditary, chromosomally determined, associated with intrauterine or natural damage and atypical oligophrenia; 6) developmental delays bordering on oligophrenia – congenital sub-debility (so-called constitutionally stupid individuals), mental infantilism, non-progressive variant of early childhood autism syndrome, developmental delays due to residual effects of early organic brain damage, developmental delays in organic processes and protracted somatic diseases, psychogenic and situationally caused developmental delays, as well as those associated with sensory deprivation, etc.; 7) residual manifestations of traumatic brain injuries; 8) alcoholism and drug addiction [10, p. 12].

K. Marr argues that neurological abnormalities have a significant impact on human behavior and their predisposition to criminal behavior. These abnormalities can cause various antisocial tendencies, such as the inability to feel emotions, control one's impulses and behavior [11]. The researcher draws attention to the existence of such a mental anomaly as psychopathy. A psychopath is "a mentally unstable person, especially one with an egocentric and antisocial personality, characterized by a lack of remorse for one's actions, a lack of empathy for others, and often criminal tendencies" [12]. A psychopath is not necessarily a cold-blooded killer, and a cold-blooded killer is not necessarily a psychopath. There are psychopaths in society all around us [13]. Many of them live normal lives, just like the rest of us. It is when a psychopath socializes differently that we begin to see antisocial behavior and criminality that cannot be corrected or explained by the combined neurological abnormalities that are present in that psychopath. Biological abnormalities can themselves lead to antisocial behavior [11]. It also seems possible that antisocial behavior is a consequence of improper socialization of the individual.

Criminological studies note that some somatic diseases can also cause certain changes in the psyche (temporary or long-term), which can also affect a person's criminal behavior.

Researchers make the correct conclusions that among offenders, especially juveniles, the number of people with anomalies is increasing, that the vast majority of people with mental anomalies are not those who have severe or persistent diseases, but people with psychopathic personality traits and residual phenomena after trauma, that psychopathic traits in the vast majority of cases (80-85%) were acquired as a result of unfavorable living conditions and upbringing [9, p. 16].

Conclusions. Thus, we note that in the system of studying the criminological characteristics of criminal, social factors are inextricably connected with biological and psychological factors, they interact with each other, complement each other. Mental abnormalities are certain disorders in a person's mental activity that do not reach the level of mental illness, but can affect a person's behavior. They are diagnosed both in Ukraine and in other countries of the world, but the approaches to their definition and classification differ significantly. The significant and direct impact of mental abnormalities on individual, including antisocial, behavior of a person has been proven. A comprehensive study of the impact of mental abnormalities in the motivational complex of criminal behavior will allow solving real problems, as well as future problems regarding the improvement of the criminological portrait of the criminal and the development of preventive measures to prevent crime.

REFERENCES:

1. Zavyazkina N.B. The study of Criminal Behavior of Persons with Mental Disorders in Forensic Psychology. *Scientific Bulletin of Kherson State University*. Psychological Sciences Series. Issue 5. Volume 3. 2016. p. 170.
2. Criminology: textbook for students of higher educational institutions / O.M. Dzhuzha, Ya.Yu. Kondratiev, O.G. Kulyk, P.P. Mykhailenko and others; edited by O.M. Dzhuzha. Kyiv: Yurinkom Inter, 2002. 416 p.

3. Zakaliuk A. P. Course of Modern Ukrainian Criminology: Theory and Practice: in 3 books. Book 1: Theoretical Foundations and History of Ukrainian Criminological Science. Kyiv: Publishing House «In Yure», 2007. 424 p.
4. Batyrgareeva V. S. Recidivism in Ukraine: Social, Legal and Criminological Problems: Monograph. Kh.: Pravo, 2009. 576 p.
5. Criminology: General and Special Parts: Textbook / I.M. Danshyn, V.V. Golina, M.Yu. Valuyska, etc.; ed. by V. V. Golina. 2nd ed. revised and suppl. Kh.: Pravo, 2009. 288 p.
6. Golina V.V. Criminological and Criminal Legal Problems of Combating Banditry: Socio-legal and Criminological Research: monograph. Kharkiv: Region-inform, 2004. 212 p.
7. Criminology: textbook / V.V. Golina, B.M. Golovkin, M. Yu. Valuyska and others; edited by V.V. Golina, B.M. Golovkin. Kh.: Pravo, 2014. 440 p.
8. Batyrgareeva V.S. Recidivist Criminals: on Problem of Crime of Persons with Mental Anomalies. *Problems of legality: republican interdisciplinary scientific collection* / ed. V.Ya. Tatsii. X.: National Legal Academy of Ukraine, 2007. Issue 92. Pp. 114-124.
9. Kostytskyi M.V. Psychological Factors of Influence on Personality of a Criminal. *Scientific and informational bulletin of the Ivano-Frankivsk University of Law named after King Danylo Halytskyi*. 2014. No. 10. P. 12–19. URL: http://nbuv.gov.ua/UJRN/Nivif_2014_10_3.
10. Kostytskyi M.V. Crime can be Prevented. Kyiv: Znannya, 1999. 47 p.
11. Marr C. Neurological Abnormalities' Impact on Crime and Behavior. *UTSA Journal of Undergraduate Research and Scholarly Works*. Volume 7. December 2020. P. 1.
12. In *Merriam-Webster Online*. Retrieved June 12, 2019. URL: <https://www.merriam-webster.com/dictionary/psychopath>.
13. Hare, R.D. (1999). Without Conscience: The Disturbing World of the Psychopaths Among us. *Guilford Press*. 1999. URL: <https://psycnet.apa.org/record/2001-00418-000>.
14. Moffitt, T.E. The New Look of Behavioral Genetics in Develop – Mental Psychopathology: Gene–Environment Interplay in Antisocial Behaviors. *Psychological Bulletin*, 2005. Pp. 131, 533–554.