

CHAPTER 2

LEGAL RELATIONS: FROM THEORY TO PRACTICE

MENTAL ANOMALIES AS FACTORS THAT CAUSE CRIMINAL OFFENSES, INCLUDING IN THE FORM OF MENTAL ABUSE

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Abstract. *The statisticians have an emphasis on the systematic nature of the incitement of violence, as well as on the internal recovery of the human singing situation, as in case of the manifestation of mental anomalies, it can be created. The aim of the article is to study mental anomalies as factors causing criminal rules, inclusions in the form of mental abuse. The author used the methods of logical comparison, systematization and generalization, which made it possible to achieve the goal of the study. The nature of the pacing of mental anomalies is determined as follows: genetic decline, psychophysiological peculiarities of malignancy. Discernment of anomalies from the point of view of medicine, and itself: alcoholism, drug addiction, psychopathies, organ damage to the central nervous system, epilepsy, traces of traumatic brain injury, schizophrenia. It has been established that all the diseases of the central nervous system are less likely to develop so that the development of infectious diseases occurs. Several criminal law-enforcers are responsible for mental abnormalities. Delivered that factors that infuse into the psyche ε a weakening or a waste of self-control, heat, rudeness and aggressiveness, as well as sharpening all the negative qualities of an individual.*

Keywords: *psychic anomalies, violence, mental abuse, mischief, criminal law-enforcers; factories, which are infused with mischief.*

JEL Classification: I30, K14, K24, K33

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Introduction. Before the hour of detecting the determinants of mental violence, it is necessary to be judicious, but a single incident is not mental violence, since such a manifestation must be systematic. An important point: those guilty of mental abuse can be submissive if a person understands the nature of their actions and the nature of singing inheritances, just as incorruptible, if the subordinate does not tolerate the nature of mental abuse, for psychopathy.

One of the main factors in classifying employees of criminal law enforcement agencies as a method of mental violence, since the result of a sub crime by a criminal law enforcement officer of a singing situation (so the name, situational factor), and the result of an internal situation in singing.

This is not a miracle, this is a protest against factors that are not taken into account by criminal law enforcement officers, you can also bring in – a genetic decline, or the psychophysiological characteristics of malignant neoplasms, it is very easy to find out that you can hear a medicine. The very fact is that you will be able to take a closer look at yourself in all food, which the last part of mental illness can be found in mental abnormalities, such as the underlying genetic basis of the disease.

In front of especially significant criminogenic factors of rapists, the employees of criminal law enforcement agencies change mental activity. Mental abnormalities are a reason for the culpability of mental abuse. Nevertheless, behind little fagots, about the skin of a quarter, a cruel villain suffers from such a psychotic anomaly (alcoholism, drug addiction, psychopathy, damage to the organs of the central nervous system, the most serious rotation of new knowledge and a hierarchy of values that are combined with people and vibrate towards solving problems.

It is necessary to remember that the malignant form is not just the practice, but the social connection that is so-called psychopathological tightness, which manifests itself in the view of the recessive factor, so that if the dad doesn't hate the genetics of violence to the evil child [3, p.14].

Literature Review. To the presenter of the problem, I will show that the determinations of mental abuse have been dealt with by such sciences as Yu.M. Antonyan [1, p. 140], S.V. Borodin [7, p. 56], B.M. Golovkin [12, p. 256], O.P. Dzioban [8, p. 7], O.Y. Koristin [10, p. 162], O. M. Kostenko [11, p. 198], V.N. Kudryavtsev [13, p 204], VB Malinin [14, p. 89], A.A. Muzyka [15, p. 162], V.P. Panov [16, p. 221], V. Pilipchuk [17, p. 43], O.S. Sheremet [18, p. 154] and in.

In the same time, mental anomalies are also made by the determinants of criminal law-enforcers, from the stasis of mental violence, the witness, you see. As the criminologist Yu.M. Antonyan said mental anomalies – there are such problems of mental activity, as they do not become susceptible to the state of condemnation, the stench did not reach the psychopathic disease (the status of mental illness), to protest to pull the change due to such a particular condition norm [3, p. 2].

Before mental anomalies, it was taken to see the organ damage of the central nervous system, residual symptoms of craniocerebral trauma, oligophrenia at the stage of easy debilitation, alcoholism, drug addiction, psychopathy.

Aims. The aim of the article is to study mental anomalies as factors causing criminal rules, inclusions in the form of mental abuse.

Methods. The author used the methods of logical comparison, systematization and generalization, which made it possible to achieve the goal of the study.

Results. Special attention needs to be paid to the distinction between "involvement" and "use" of a minor in criminal activities. Because, "involvement" should be understood as the decision of a minor to participate in criminal activity, which arises as a result of influencing him in one or more ways of mental influence. Under "use" should be understood as non-awareness of minors of their actions, that is the use of adolescents is an "instrument" of a criminal offence (for example, young children who open their wallets) [19, p. 61].

Let's start with the most significant anomalies among violent crimes, namely the defeat of the central nervous system, arising from the development of infectious diseases (encephalitis or its membrane (meningitis)), which affect the brain. Usually, people who develop this lesion have a psychopathological syndrome, the main signs of which are increased emotional excitability, which leads to uncontrolled attacks of aggression, conflict, stubbornness, instantaneous emergence and satisfaction of

antisocial needs, in other words, "instant" intent to commit an offence internal excitability [4, p. 99].

People with such lesions are quite intolerant of alcohol, and the form of intoxication is severe. As a result, the control and inhibitory mechanisms of consciousness cease to work in such persons, as a result of which the sense of reality changes and there is a "fearlessness" to commit criminal offences, including the actions of such persons, are determined by special cynicism and audacity. According to the author, this type of mental anomalies is characteristic not only for the subjects of violent criminal offences under paragraph 7 of Part 2 of Art. 115, 296 of the Criminal Code of Ukraine, but also for subjects who commit domestic abuse (Article 126 of the Criminal Code of Ukraine), robbery (Article 187 of the Criminal Code of Ukraine), threats to destroy or damage property (Article 195 of the Criminal Code of Ukraine), banditry (Article 257 of the Criminal Code) Ukraine), terrorist acts (Article 258 of the Criminal Code of Ukraine), etc. This belief arose from the analysis of the number and methods of committing the above criminal offences (by intimidation, threats, demonstrations of weapons, elimination of fear in victims, etc.), besides, the media influences the occurrence of anomalies in adolescence. Studies show that teenagers aged 12–17 are one of the most popular audiences among those who consume erotic video products. Many teenagers watch similar scenes on television, in cinemas or videotapes at least once a month [20, p. 40].

The second type of mental anomalies, according to the prevalence of criminal offences – anomalies caused by alcohol and drugs. Based on different states of alcohol intoxication (simple; chronic alcoholism, alcoholic delirium, hallucinations, paranoia, dipsomania (binge drinking) or drug intoxication (each drug has its type of behavioural disorder)), a person's sanity is determined individually in each case.

Among the most important factors in the commission of criminal offences with the use of mental abuse include drunkenness and the resulting changes in the psyche, weakening or loss of self–control, irritability, rudeness and aggression, as well as exacerbation of all negative qualities of the individual. It is no coincidence that a large number of serious violent criminal offences and hooliganism in Ukraine occur in a state of alcohol (much less often – drug) intoxication.

People who are intoxicated experience profound changes in consciousness that were not previously inherent in them, and which last for an exhaustive period, namely during exposure to ethanol or drugs. Experts say that in the presence of this type of anomaly, criminals do not commit mental abuse, because such substances gradually move the brain cells, which leads to memory problems, outbreaks of aggression and uncontrolled behaviour, which are inherent in offences involving the use of mental abuse. However, in the study of domestic abuse, according to a survey of law enforcement officers found that 78, 2% of cases of perpetrators of domestic abuse are in a state of intoxication, and 8% – in a state of drug intoxication, sober – 8% and those with mental anomalies – 6% (Figure 1).

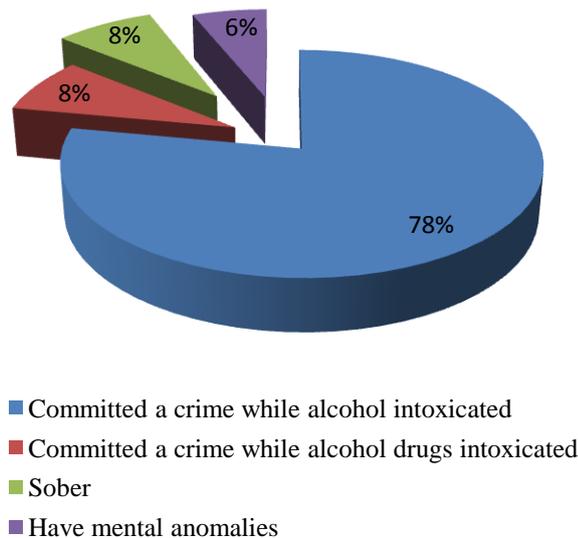


Figure 1. Persons convicted of domestic abuse

In particular, in the study of mental abuse in the context of a criminal offence under Art. 195 of the Criminal Code of Ukraine "Threat of damage or destruction of property", based on the analysis of judicial statistics, it was established that for the period from 2013 to 2019 in Ukraine passed one conviction against a person who committed a criminal offence under Art. 195 of the Criminal Code of Ukraine in a state of intoxication. As a result, given the results of the study, it is possible to question the assertion that people who have mental anomalies caused by alcohol and drug use are not characterized by mental abuse.

Regardless of the presence or absence of mental anomalies, alcohol or drug intoxication hurts any person, and people under the influence of such substances behave more aggressively sober, only when they are threatened. The presence of a threat is a signal that a person in a state of intoxication is unable to control and use cognitive processes to suppress aggressive reactions, which he understands and to which the latter responds with aggression [6, p. 258–259]. Experts in the field of psychiatry point out that alcohol intoxication does not so much relieve personal control over aggression, as it reveals an already existing deficit of psychological mechanisms that prevent the manifestation of aggression in behaviour [9, p. 27–30].

It is also impossible not to note the destructive effects of alcoholism and narcotics on the younger generation. Due to their age, young people are characterized by increased emotional excitability, insufficient skills of social inhibition, the desire to show themselves, to show courage, which under the influence of alcohol and drugs often contribute to the commission of criminal offences using abuse (mental). At the same time, studies by foreign experts show that alcohol or drugs are not the direct cause of aggressive behaviour. Rather, they reinforce the situational determinants of aggression.

The next type of mental anomalies is residual manifestations of traumatic brain injury, which are characterized by affective and volitional disorders. As a result of traumatic brain injuries in the human brain, two opposite processes begin to work, namely – degenerative and regenerative, which are constantly changing each other.

Quite rarely, however, there is developed dementia against this background, behaviour changes, resulting in moral and ethical rudeness and cynicism. In fact, with residual craniocerebral manifestations, the feeling of the real nature of socially dangerous consequences changes, which disturbs the balance of awareness of the act and the desired result in the mind of the subject of the criminal offence. [22, p. 2]. Taking into account the results of the research in the previous sections of the work, it is possible to conclude that for persons with such mental anomalies, due to residual manifestations of craniocerebral injuries it is possible to be involved in a terrorist act (Article 258 of the Criminal Code of Ukraine), fraud (Article 190 of the Criminal Code of Ukraine).

Another type of mental anomaly is oligophrenia, with a mild degree of dementia that involves an underdeveloped psyche (an impaired mental activity with a predominant lack of intellectual function) and/or the body of the subject of the criminal offence. The peculiarity of this anomaly is that mental disorders do not arise as a result of reduced intelligence, but due to underdevelopment.

For example, it is known that people with mental retardation often decide to commit violent sexual offences because they are unable to ensure normal contact with women and satisfy their sexual needs [2, p. 231].

At the same time, patients with oligophrenia perceive only the external signs of objects and phenomena, without realizing the internal logical connections. Patients with oligophrenia can be divided into two large groups, where on the one hand they easily come into conflict with others, they are obsessive, unfettered, irritable, prone to aggression, hypersexual; on the other hand, they are always apathetic, retarded individuals who have little interest [4, p. 100]. That is, people with oligophrenia are characterized by the commission of a criminal offence without awareness of the causal link between the criminal act and the consequences. That is, according to the author, such persons, due to the presence of mental disorders in them are not able to commit psychological abuse (which requires regularity) against their victims. However, such persons may become easy victims, for example, minors involved in prostitution (Part 3 of Article 303 of the Criminal Code of Ukraine), the involvement of minors in criminal activities (Article 304 of the Criminal Code of Ukraine), or be involved in a terrorist act (Article 258¹ of the Criminal Code of Ukraine), public appeals to commit a terrorist act (Article 258² of the Criminal Code of Ukraine), fraud (Article 190 of the Criminal Code of Ukraine).

The last of the types of mental anomalies is proposed to consider psychopathy, which is a severe mental disorder and is determined by the pathological nature and social maladaptation. Scientists have the following basic views on the origin of psychopathy, namely: 1) some believe that it is congenital suffering; 2) others believe that the formation of psychopathy is carried out throughout a person's life, depending on the microenvironment and upbringing in which the person grew up; 3) the third, believe that this is the result of the interaction of the first and second factors, ie the result of congenital suffering and elements of education and personal development in the early years. Despite the anamnesis, psychopathy is not in the list of diagnoses

established by the International Classification of Diseases of the Tenth Revision (ICD–10), so in fact, it cannot be defined as a disease.

Discussion. The most interesting thing is that psychopaths use manipulation to achieve their goals, and they tend to deceive, disregard the laws and moral norms. One thing that distinguishes psychopathy from other mental anomalies is the lack of conscience and guilt. According to the author, psychopathy is one of the most common mental anomalies among criminals, which is characterized by the use of mental abuse, because psychopathy is permanent and allows the patient to manipulate and influence the human psyche, including through manipulation, deception, blackmail, and threats.

Conclusions. It can be concluded that mental anomalies are determinants of criminal offences, which are characterized by the commission of mental abuse because people with mental disorders are more impulsive than others, they are easier to deal with illegal actions. Educational and preventive influence on them is difficult. People with such disorders are weak among those who may decide to use violence. Meanwhile, the current level of knowledge allows us to reasonably assume the possible actions of individuals suffering from mental anomalies. In particular, there is credible data on the correlation of certain mental disorders with certain types of criminal behaviour.

We should also agree with the opinion of B.S. Volkov that the legal aspect of mental characteristics of the individual involves the consideration of mental anomalies not in isolation, but in connection with other properties, especially taking into account the nature of the act and all signs of a criminal offence. Only under this condition can the mental defects of the personality of the accused have criminal significance [21, p. 136.]. In combination with other factors, the mental disorders of the perpetrator can only play the role of conditions for committing criminal acts. Thus, mental disorders do not determine the fatal pathological motivation of violent criminal offenses [5, p. 48].

In conclusion, it is possible to note that in the life of Ukrainian society the number of factors that determine the commission of criminal offences has increased significantly, including in the form of mental abuse in general and mental abuse in particular. It has become customary for many citizens to resolve interpersonal conflicts by the shortest possible way through the use of mental abuse (through threats, extortion, intimidation, etc.), without recourse to the relevant authorities (including law enforcement) and statutory procedures.

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