

Konstytutsiia Ukrainy: vid 28 chervnia 1996 r. № 254k/96-VR. [Constitution of Ukraine dated June 28, 1996 № 254k / 96-VR] // Vidomosti Verkhovnoi Rady Ukrainy. 1996. № 30. S. 17. [In Ukrainian].

4. Кукін І.В. Рівні інформаційної безпеки особистості в системі національної безпеки держави // Державне управління. 2019. № 5. С. 85-90.

Kukin I.V. Rivni informatsiinoi bezpeky osobystosti v systemi natsionalnoi bezpeky derzhavy. [Levels of information security of the individual in the system of national security of the state] // Derzhavne upravlinnia. 2019. № 5. S. 85-90. [In Ukrainian].

5. Панченко О.А., Кабанцева А.В. Людська психіка в інформаційній небезпеці // Державне управління. 2020. № 3. С. 226-233.

Panchenko O.A., Kabantseva A.V. Liudska psykhyka v informatsiinii nebezpetsi [The human psyche is in informational danger] // Derzhavne upravlinnia. 2020. № 3. S. 226-233. [In Ukrainian].

6. Про Доктрину інформаційної безпеки України: Рішення Ради національної безпеки і оборони України від 29 грудня 2016 року. Відомості Верховної Ради України. [Електронний ресурс]. Режим доступу: <https://zakon.rada.gov.ua/laws/show/47/2017#Text> (дата звернення: 03.02.2021).

Pro Doktrynu informatsiinoi bezpeky Ukrainy: Rishennia Rady natsionalnoi bezpeky i oborony Ukrainy vid 29 hrudnia 2016 roku. [On the Doctrine of Information Security of Ukraine: Decision of the National Security and Defense Council of Ukraine of December 29, 2016] Vidomosti Verkhovnoi Rady Ukrainy. Retrieved from: <https://zakon.rada.gov.ua/laws/show/47/2017#Text> (data of access: 03.02.2021). [In Ukrainian].

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PERSONALITY OF A CRIMINAL WITH MENTAL DISORDERS: SOME ASPECTS

Introduction. The personality of a criminal in criminology is one of the key problems, and its study is one of the central problems of theoretical and practical significance. Its essence is that a crime, mostly being an act of conscious human behavior, is largely determined by the nature and characteristics of the person who chooses this form of behavior. Accordingly, a successful fight against crime is impossible without taking into account the personal factor, which determines the relevance of the chosen topic.

Review of recent publications. In the scientific literature, many studies of anthropologists, psychologists, psychiatrists, lawyers and sociologists are devoted to the problems concerning the identity of the criminal. Special attention should be paid to the works of Yu. Antonian, H. Avanesov, Ya. Hilinskyi, V. Holina, I. Danshyn, A. Dolhova, O. Dzhuzha, S. Dikaev, V. Dromin, A. Zakaliuk, A. Zelinskyi, K. Ihoshev, O. Lytvynov, R. Merton, O. Sakharov, M. Struchkov, S. Tararukhin and the others. Despite numeral research in this field, the issue of the impact of mental disorders on the personality of a criminal remains relevant, as a result of which it is necessary to improve the forms and methods of countering crimes committed by such persons.

Objectives of the paper. The purpose of this study is to analyze the criminal behavior of persons with mental disabilities, specify the impact of such deviations on the formation of the criminal personality, as well as to clarify the directions of countering the crimes committed by them.

Results of the research. There are various definitions of the concept of criminal personality. Criminological science usually uses the concept of "criminal personality". "The criminal personality is understood as a set of its socially significant properties that affect criminal behavior in combination with external conditions (situation)," writes Aleksieiev A. I. Approximately a similar definition is given by Dolhova A.I.: "...When using the concept of "criminal personality", it is necessary to keep in mind the social characteristics of the person who committed the crime." A more detailed definition of the criminal personality is given by Antonian Yu. M.: "In general, it is possible to define the criminal personality as a person who committed a crime due to their inherent psychological characteristics, antisocial views, negative attitude to moral values and the choice of a socially dangerous path to meet their needs or directions of necessary activity in preventing a negative result" [1: 483].

Since the concept of personality is a complex integrating concept covering biological, mental, psychological and social aspects, it is characterized by a system of features that define a person as an identity who has committed a crime: gender, age, profession, education, social status, role in society, as well as specific features inherent only to the criminal person that determine and reflect the nature and degree of its social danger.

Criminologists refer to the structure of the criminal personality such an integral element as mental abnormalities caused by traumatic brain injuries, mental diseases (oligophrenia, psychopathy, etc.) or other painful condition established during forensic psychiatric examinations [2: 156]. A number of authors express the opinion that mental disorders act as a catalyzing factor of interaction in the mechanism of criminal behavior, increasing social maladaptation, that is, the loss of a person's ability to adapt to the conditions of the social environment.

Regarding the criminological characteristics of persons with mental anomalies, it is worth noting that such individuals are dominated by normal mental phenomena and processes, they can be able-bodied, capable and criminally sane. Mental anomalies can be hidden and perceived by others not as mental disorders, but only as

an extraordinary character, unbalance, inexplicable cruelty, stupidity, etc. According to the prevalence all mental anomalies can be divided by reduction: alcoholism, drug addiction, psychopathy, residual traumatic brain injuries, organic diseases of the central nervous system, oligophrenia, vascular diseases with mental changes, reactive states, schizophrenia and epilepsy.

After analyzing the opinions of scientists, we can draw certain intermediate conclusions: people suffering from organic brain damage and residual phenomena after such damage, most often committed crimes of a violent nature – premeditated murders and causing serious and moderate bodily injuries; people suffering from organic and inorganic personality disorder, also more often committed crimes related to the use of violence and aggressive behavior. Similarly, people suffering from schizoaffective disorder, combined with a manic-like type, mostly commit serious violent crimes [3: 203].

People who abuse alcohol are characterized by such criminological significant features as increased irritability and aggressiveness, propensity towards conflict, suspiciousness and mistrustfulness, jealousy, litigiousness, sadism. Practice shows that such persons often commit violent and mercenary crimes.

The next most common mental disorder among criminals is psychopathy. For criminology, the group of sexual psychopathias that manifest themselves in the perverted direction of sexual desire is of considerable interest. Such psychopathies include: homosexuality, masochism, exhibitionism, bestiality, pedophilia, as well as increased sexual desire [4: 37-38]. It seems that it is not necessary to emphasize the threat of such crimes, since everyone knows what cruel consequences they lead to.

However, it should be noted that usually mental signs do not significantly affect the process of bringing to criminal responsibility, because if a person does not direct their actions and is not aware of them, since their immediate cause is mental illness, then we are talking about the subject's insanity or limited sanity. According to Part 2 of Article 19 of the Criminal Code of Ukraine, a person who, at the time of committing a socially dangerous act under the Criminal Code of Ukraine, was in a state of insanity, that is, could not be aware of their actions (inaction) or direct them due to a chronic mental illness, temporary mental disorder, dementia or other diseased condition of mind is not subject to criminal liability. Compulsory medical measures may be applied to such a person by a court decision.

Instead, according to Part 1 of Article 20 of the Criminal Code of Ukraine, a person who was recognized by a court as partially sane is subject to criminal liability, that is, one who, at the time of committing a criminal offense, due to their mental disorder, was not able to fully realize their actions (inaction) and (or) manage them [5]. For example, persons who commit violent crimes with special cruelty, crimes based on addiction (alcohol, drug, toxic, gambling) are limitedly sane.

Conclusion. Based on the above-mentioned, we can conclude that the study of mental disorders that affect the identity of the criminal is one of the main problems of criminology, which requires further research. Difficulties of the criminal behavior of persons with mental abnormalities can be solved comprehensively using the latest achievements of various sciences that study a person and the conditions of their life.

Taking into account the potential threat to society of such persons, the effective methods of preventing crimes committed by persons with mental abnormalities would be bringing such persons to criminal responsibility and serving their sentences in special institutions; keeping records of such persons by medical institutions (state and private) in the context of age (this is necessary to determine the directions of cooperation between different institutions, bodies, organizations).

References

1. Бойсан М. Кримінологічна характеристика особистості неповнолітніх, що зловживають наркотичними засобами // Вісник Національного університету «Львівська політехніка». Юридичні науки. 2016. № 855. С. 481-486.

Boisan M. Kryminolohichna kharakterystyka osobystosti nepovnolitnikh, shcho zlovzhvaiut narkotychnymy zasobamy [Criminological characteristics of the personality of juveniles with drug addiction] // Visnyk Natsionalnoho universytetu «Lvivska politekhnikha». Yurydychni nauky. 2016. № 855. S. 481-486. [in Ukrainian].

2. Денисов С.Ф. Особа злочинця у кримінологічній теорії України // Вісник кримінологічної асоціації України. 2020. № 1 (22). С. 152-159.

Denysov S.F. Osoba zlochyntsia u kryminolohichnii teorii Ukrainy [The identity of the criminal in the Ukrainian criminological theory] // Visnyk kryminolohichnoi asotsiatsii Ukrainy. 2020. № 1 (22). S. 152-159. [in Ukrainian].

3. Бауер Л.О. Кримінологічно значущі ознаки осіб з психічними аномаліями та проблеми притягнення їх до кримінальної відповідальності (на матеріалах справ судів Запорізької області) // Науковий вісник Дніпропетровського державного університету внутрішніх справ. 2011. № 3. С. 199-208.

Bauer L.O. Kryminolohichno znachushchi oznaky osib z psykhichnymy anomaliiamy ta problemy prytyahnennia yikh do kryminalnoi vidpovidalnosti (na materialakh sprav sudiv Zaporizkoi oblasti) [Criminologically significant signs of persons with mental disorders and problems of bringing them to criminal responsibility (on materials of cases of courts of the Zaporizhzhia region)] // Naukovyi visnyk Dnipropetrovskoho derzhavnoho universytetu vnutrishnikh sprav. 2011. № 3. S. 199-208. [in Ukrainian].

4. Михайлова М. Д. Злочинність осіб із психічними аномаліями // Черкаські правові читання: матеріали Всеукр. наук.-практ. конф. (Черкаси, 15 березня 2019 р.). Черкаси: Черкаський інститут ДВНЗ «Університет банківської справи», 2019. С. 36-38.

Mykhailova M. D. Zlochyynnist osib iz psykhichnymy anomaliiamy [Criminal history of persons with mental problems] // Cherkaski pravovi chytannia: materialy Vseukr. nauk.-prakt. konf. (Cherkasy, 15 bereznia 2019 r.). Cherkasy: Cherkaskyi instytut DVNZ «Universytet bankivskoi spravy», 2019. S. 36-38. [in Ukrainian].

5. Кримінальний кодекс України: Закон України від 5 квітня 2001 р. № 2341-III. // Відомості Верховної Ради України. 2001. № 25-26. Ст. 131. (Зі змінами).

Kryminalnyi kodeks Ukrainy [Criminal codex of Ukraine]: Zakon Ukrainy vid 5 kvitnia 2001 r. № 2341-III // Vidomosti Verkhovnoi Rady Ukrainy. 2001. № 25-26. St. 131. (Zi zminamy). [in Ukrainian].

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PARLIAMENTARY IMMUNITY AS A PARLIAMENTARY PRIVILEGE

Introduction. Parliamentary privileges are an essential part of the parliamentary democracy. They exist to enable parliaments to perform their functions effectively. The term ‘privilege’, in relation to parliamentary privilege, refers to an immunity from the ordinary law, which is recognized by the law as a right of the houses and their members. Privilege in this restricted and special sense is often confused with privilege in the colloquial sense of a special benefit or special arrangement. The word ‘immunity’ is best used in relation to privilege in the sense of immunity under the law. The concept of parliamentary privileges includes deputy inviolability.

Review of recent publications. Issues of deputy inviolability are hotly debated in scientific circles. The theoretical basis of the work were the scientific works of such modern domestic and foreign researchers as O. Bondarchuk, S. Linetskyi, V. Sirenko and others.

Objectives of the paper. The purpose of the study is to clarify the features of deputy inviolability as a parliamentary privilege.

Results of the research. Deputy inviolability is a privilege of English origin, which consisted in the fact that members of parliament should enjoy judicial privileges. The French Charter of 1814 formulated the definition of inviolability [1: 512]. It states that a deputy may not be prosecuted during a session without the consent of the chamber to which he or she belongs except in cases when a deputy is taken in flagrante delicto. Inviolability aims to eliminate the possibility of putting pressure on a deputy in order to change terminate the nature of his activities or even to discredit the parliamentarian in the eyes of voters [2: 54]. However, it is not a ground for release of deputies from administrative and criminal liability or punishment.

“Deputy inviolability” is correlated with the notion of “deputy immunity” and “deputy indemnity” as a whole and as a part. Thus, there are two components of constitutional inviolability in constitutional law: immunity and indemnity. [3: 114]