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CRIMINAL LEGISLATIVE SYSTEM OF THE RUSSIAN FEDERATION – LEGAL ASPECTS OF INSANITY

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Abstract: This article describes the conditions and criteria for insanity in the theory of criminal law. The concept and essence of limited sanity are considered, as well as aspects of criminal sanity of a person.

Keywords: sanity, insanity criteria, insanity of a person, mental disorder, limited sanity, criminal liability, public danger.

The problem of human sanity at the time of the commission of the crime remains the most important problem in the field of criminal law. Firstly, it is necessary to understand the concepts of sanity and insanity, as well as their criminal legal meaning. This issue has been particularly debated over the past few decades, not only in the context of criminal procedure legislation, but has also been the subject and focus of particular attention in forensic psychiatry. The approach of most domestic forensic psychiatrists is nevertheless based on a specific classical interpretation of a person's social behavior and the level of functioning of his mental activity. Namely, special attention should be paid to the strong-willed sphere of the individual, freedom of will, the freedom to dispose of their actions and actions.

According to article 19 of the Criminal Code of the Russian Federation, only an imputed natural person who has reached the age established by criminal law is liable to criminal liability [1, p. 14]. I would also like to note that the concept of sanity is also connected with the fault of a particular person who has committed a harmful socially dangerous criminal act. Thus, only a sensible person can still be found guilty. There is no precise definition of sanity in criminal law. However, article 21 of the Criminal Code of the Russian Federation contains the concept of insanity, according to which a person is not criminally liable, who during the

commission of a socially dangerous act could not realize the actual nature and social danger of his actions (inaction), or direct them due to chronic mental disorder, temporary mental disorder, dementia or other painful state of the psyche [1, p. 15]. We can thus draw a direct final conclusion that the classical sanity of the psyche is indirectly and directly dependent on the state of the psyche and on the ability of a certain person and his abilities to realize all his actions, as well as on the ability to lead them. Having analyzed article 21 of the Criminal Code of the Russian Federation, it can be concluded by law that the concept of criminal law through reveals the concept of sanity through insanity, that is, in a negative way.

Thus, "sanity" can be defined as the necessary subject characteristic of the subject of the crime, determines the person's ability at the time of committing the crime to understand the actual nature and social danger of his actions (inaction) and direct them.

It should also be noted that the state of insanity of a person is disclosed through a set of legally significant criteria. In the theory of criminal law, there are several criteria for insanity of a person: legal (psychological), medical (biological).

The legal (psychological) criterion involves the fact that the disease has a great influence on human actions, that is, due to the presence of a certain, specific disease, the individual is completely deprived of the opportunity to understand the actual nature and social danger of his actions (inaction). The legal criterion is determined by two features: intellectual and strong-willed. The intellectual sign implies the inability of a person to understand the danger of his actions (inaction). This quality of the psyche means that a person has the ability to understand the actual side of the act and, moreover, its social meaning. Another feature of the legal criterion is the will, that is, the inability of the person to manage his own actions (inaction) [3, p. 27]. This occurs in some types of painful mental disorders. For example, violations of the will sphere with the ability to realize the public danger of their action (inaction) can be noted in drug addicts in a state of withdrawal, that is, drug starvation. This situation is also observed who is in no

way able to retain himself and control his own actions, when possible, from the temptation to carry out the theft of someone else's property.

The legal criterion of absolute insanity often plays a dual role. On the one hand, it determines the clear content of insanity, since it determines the fact that a person realized his actions (inaction) at the time of the commission of a socially dangerous act and whether a person could lead them at that moment. On the other hand, this criterion defines the limits of medical criteria and draws the line between sanity and insanity [4, p. 31].

The medical criterion of such insanity implies some kind of presence in the suspect of a chronic type of disorder, temporary mental disorder, also dementia or any other painful condition (h. 1 Art. 21 of the Criminal Code).

The chronic mental type of disorder is characterized by the direct presence in the personality of a prolonged, persistent protracted disease condition, which is long-lasting, for example, epilepsy, schizophrenia, manic-depressive psychosis, brain syphilis, progressive paralysis. These diseases are sometimes characterized by the duration of the long course and a certain increase in disease phenomena, as well as the progression of the disease, but although in some cases, for example, schizophrenia, there are stages of transient and temporary improvement in the condition of the patient, the so-called remission. I will give an example of a case from criminal practice that describes the following picture - a woman suffering from schizophrenia, hugging and kissing a child, strangled him, but could not understand why he stopped breathing. Temporary mental disorder is characterized by sudden onset and short-term course. It often appears mainly in those people who have almost no obvious deviations from the accepted norm in the most ordinary state. An example of a temporary disorder of mental activity is reactive state, white fever, pathological effect.

The medical criterion of insanity is important, since it is established on the basis of a forensic psychiatric examination, which is obliged, first of all and in general, to determine the presence of psychological disorder in the subject. Only after the establishment of a medical criterion is the existence or absence of a legal

criterion determined. The legal criterion, in turn, makes it possible to draw a final conclusion about the presence or absence of insanity.

However, in accordance with Part 2 of Art. 21 of the Criminal Code of the Russian Federation, a person who has committed a socially dangerous act under criminal law in a state of insanity is subject to compulsory medical measures [1, p. 15]. There is no clear boundary between complete mental health and madness. That is why the criminal law in Art. 22 on the possibility of bringing to criminal responsibility imputed persons who during the commission of a crime due to mental disorder could not fully understand the actual nature and public danger of their actions (inaction) or direct them. Among such disorders, one can distinguish pronounced schizophrenic defects, alcoholism, drug addiction, psychopathic, residual phenomena of traumatic brain injuries, organic disease of the central nervous system. In practice, the court may take into account a person's special mental state at the time of the commission of the crime, in order to mitigate sanctions, but in addition, it must take into account the nature and degree of public danger of the crime committed, the degree of mental disorder of the person who carried out the criminal act, as well as other conditions of the process. In these cases, together with the imposition of punishment, as well as in cases of exemption from punishment, the court is entitled to apply compulsory medical measures.

In criminal law, there is a presumption of sanity, according to which a person is considered sane until proven otherwise. This once again confirms the rebuttal of the presumption.

For the first time in Russian criminal law, the legislator provided for a norm of limited sanity in the 1996 Criminal Code of the Russian Federation, regulating the liability of persons with a mental disorder that does not exclude sanity. This problem has been discussed for a long time. There were both supporters and opponents of the consolidation of the concept of "limited" sanity. It should be noted that in the criminal codes of a number of foreign countries this norm has been in force for a long time. Reduced sanity is recognized in the criminal laws of

Denmark, Hungary, Germany. For example, the German Criminal Code of 1975 also provides reduced sanity.

Thus, in order to recognize a person as insane, it is still necessary to establish all his inability to fully understand the most public dangerous acts and acts that he committed, at a time when he was in some way mentally ill. We believe that the issue of the sanity of a person in criminal law remains open, but we should hope for a high qualification of medical experts who make a decision and conduct an examination. On their reliable shoulders lies the main responsible task, because it is they who sometimes have to decide the fate of people.

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