OPTIONAL SIGNS OF THE SUBJECTIVE PART IN CRIMES AGAINST LIFE AND HEALTH IN RUSSIAN LEGISLATION: PSYCHOLOGICAL AND CRIMINOLOGICAL ASPECTS

INTRODUCTION

Crimes against life and health are held to be ones of the most dangerous crimes both in Russia and worldwide. They do not only have strictly lawful implication, but also hold criminological and psychological patterns. The latter is most pronounced in the optional signs of the subjective part in stated offences characterizing their inner component. Russian legislator when regulating liability for mentioned types of crimes emphasizes special significance of motives, objectives and emotions as demonstrated by the regulations of the Chapter 16 of the Criminal Code of the Russian Federation (thereinafter – Criminal Code). As it is known, one of the components of the criminology subject is the personality of the criminal, which suggests the study of the criminal behavior from within. The psychological science addresses the features of the latter, and the Criminal Law uncovers the mental (internal) element of crime. Thus, all listed elements, at any rate, are interconnected. Therefore, it seems that the forming determinants of a criminal act when combined with motives, objectives and emotions accompanying the behavior of the subject of crime, which subsequently will contribute to the development of new techniques preventing from stated crimes, and also to the legislation improvement in its corresponding part.

LITERATURE REVIEW

While researching the genesis of the optional signs of the subjective part in crimes against life and health within the scope of criminological and psychological analysis, it bears mentioning the related researches served as theoretical background for authors.

Strong contribution to the studying of the criminological and psychological patterns of crimes against life and health was made by such authors as V.I. Akopov, E.S. Nadtoka and others. Theoretical backgrounds of understanding addressed patterns in elements of murder have been developed in works of E.V. Avdeeva, G.I. Antonova, Y. M. Antonyan, M.I. Geshelin, M.V. Goncharova, D.A. Kuzmin, E.B. Kurguzkina, A.S. Lukomskaia, I. A. Pilyasov, V.V. Rudyak and some others. Individual issues concerning the explication of the contents and the meaning of the criminological and psychological features of emotions, motives and objectives in crimes against life and health are included in works of such researchers as G.I. Antonova, M.I. Galyukova, P. A. Matushkin, A. Kh. Yuanov and others. It is worth mentioning the works of the authors engaged in the research of the personality of the criminal, in particular, Y.M. Antonyan, A.I. Dolgova, M.I. Enikeev, V.E. Eminov.

Summarizing the results of the earlier conducted researches, acknowledging their unquestionable significance, however, it should be noted that at the present time there are no comprehensive works, dealing with criminological and psychological understanding of the motives, objectives and emotions in crimes against life and health, which demonstrates the relevance of the selected research topic.

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METHODOLOGY
For the objective and sound research of the selected issue, a considered methodological framework is needed. In the process of work, a complex of general scientific and specific scientific methods is used, which allow to provide stated research properties and serve as the basis for the comprehensive study of the optional signs of the subjective part in crimes against life and health from the perspective of criminological and psychological understanding.

RESULTS
It seems logical to consider the psychological and criminological features of the optional signs of the subjective part in crimes against life and health according to the imposed liability for the relevant criminal acts within the scope of the Criminal Code.

The first one of the stated offences is a premeditated murder of the other person. The murder is the most common category of crime against life.

According to Y.M.Antonyan, murderers are, in most cases, individuals acting impulsively, with high rate of nervousness and emotional excitement, for whom their own feelings and interests are foremost important and who have not developed their mental attitude towards the value of other person’s life (ANTONYAN, EMINOV, 2010, p.128). E. A. Shelkushkina specifies that when analyzing psychodynamic personality structure of a murderer, there has been established the predominance of such variables as «self-admiration», «high self-esteem» and «aggression» (SHELKUSHKINA, 2011, p.77).

Thus, it can be concluded that murderers lack standard values and sensitivity towards others. Murderers are unstable in their social bondings and relations, prone to conflict with others. They differ from other criminals in emotional instability, highly reactive behavior when it usually takes the form of a reaction to inductive stimuli, which are perceived and estimated strictly subjectively. This observation can be illustrated by the verdicts on the crimes set out in Article 105 of the Criminal Code, where the conclusions of psychological and psychiatric examinations are drawn1.

It should be noted that emotional disorders, psychological and, sometimes, social disengagement are common for murderers, as well as the difficulties connected with the internalization of moral and law principles. The latter can depend on them having mental disorder which prevents from proper moral upbringing.

Murders, as opposed to some other crimes, are highly diverse in their motivation, passion fullness, personality characteristics, applying external situations and etc.

Thus, when committing a murder, the mentality connected with the undertaking of it (and, from the perspective of the elements of crime, it is a subjective aspect) is always formed of certain motives, objectives, emotions which cause committing a criminal act and accompany it. This is true in any case, regardless of whether they are relevant from the perspective of the legislative regulation or not.

It should be added that murderers form the stated expressions of mentality of personality which relate to the optional signs of the subjective part of the elements of crime quicker than other criminals.

Qualified or privileged murders differ in comprising the analyzed characteristics, what is proved by the approach of the legislator to their regulation2.

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1The verdict of the Novosibirsk Regional Court of 20 January 2020 in the case No 2-37/2019. Available at: https://sudact.ru/regular/doc/m7uWfiXq4G35sv/; the verdict of the Zelenodolsk City Court of the Republic of Tatarstan of 27 December 2019 in the case No 1-449/2019. Available at: https://sudact.ru/regular/doc/s0Hn5ihdYt; the verdict of the Uchalsinsky District Court of Republic of Bashkortostan of 25 December 2019 in the case No 1-281/2019. Available at: https://sudact.ru/regular/doc/SNE11YyrLrdO; the verdict of the Artemovsky City Court of the Sverdlovsk Region of 12 December 2019 in the case No 1-290/2019. Available at: https://sudact.ru/regular/doc/Kv56C2lj9V1 and others.

2In Russia, a qualified murder is a murder committed under at least one of the aggravating circumstances (qualifying characteristics), listed in the Part 2 of the Article 105 of the Criminal Code of the Russian Federation. In Russia, a...
Murders having qualifying characteristics as their elements, which are connected with the motive and the objective of a crime, generate special interest.

The criminal law provides for the liability for murder by reason of blood vengeance (Clause «f.1», Part 2, Article 105 of the Criminal Code). Blood vengeance should be understood as a custom established in the clan system as a means for protection of life, honour, worth and assets of the clan, and which lies in the duty of the clan of a killed one or an aggrieved one with this to revenge the killer or the person who has affronted their relative in case of commission of a murder or causing strong pain to another (RUDYAK, 2005, p.154). The custom as a social norm can influence only the choice of a certain way of behavior from the possible ones, the motive, in its turn, is formed secondary to the negative emotions towards the affronter.

Thus, specifically the negative feelings and desire serve as the determinants of forming criminal behavior mechanism when killing by reason of blood vengeance. This conclusion is supported by other authors. For instance, M.I. Geshelin and I.A. Pilyasov specify that the inner motivation for killing by reason of blood vengeance is the desire to adhere to the custom which results from the desire to recompense for the affront (GESHELIN, PILYASOV, 2018, p.77).

Clause «h», Part 2, Article 105 of the Criminal Code provides for the liability for murder committed out of mercenary motives. In the stated offence such motives develop themselves when a criminal wants to derive property and material benefit, satisfy personal material interests. Avarice is characterized by the deliberate causing of harm to the property of others by a guilty person (MINENOK, MINENOK, 2001, p.112). When analyzing the personality of a mercenary killer, their moral and psychological features should be considered. The former allows to estimate their inner world and needs while committing a crime, the latter is defined by social and psychological determinants (e.g., the loss of value orientation, crime tolerance, negative social developments). When choosing a victim, mercenary criminals are motivated by two circumstances – property wealth and victimizing way of life of a victim, which promotes the undertaking of the analyzed crime towards the victim (TYUTYUNNIK, 2017, p.101). Considering the stated above, one can conclude that for the arising of mercenary motives and exercising them, the killer’s personality should develop inner ambitions aimed at deriving any material benefit. Thus, their arising leads to forming of the criminal behavior mechanism.

The criminal law provides for the liability for murder out of molester motives (Clause «i», Part 2, Article 105 of the Criminal Code). First of all, it should be noted that molester motives, as any other motive, belong to a social and psychological category, a subjective one, based on negative interests and needs, which strongly influence the forming of deliberate incentives (PAVLOV, 2016, p.194). The psychological aspect of a person appears to be the prevailing circumstance while committing such a crime and is aimed at the deliberate causing of harm to the society in general (GOSTKOVA, 2018, p.21). The forming of molester motives is based, as a rule, on base psychological patterns of personality, malice, hatred, disregard of others (TKACHENKO, 1982, p.15-18; DANSHIN, 1973, p.160). The beginning of their formation can occur, according to the guilty person, from reasonable jealousy and insult.

Under the influence of these feelings, having certain, sometimes insignificant motive a guilty person develops emotions of anger, malice, desire of revenge, which, accompanying initially occurred jealousy and insult, ultimately define the behavior of the criminal. They transform into the intentions of a person to demonstrate with their actions a challenge to public opinion, disregard of elementary moral norms, human person. And these intentions, finally, lead to murder.

The research of the verdicts of the courts returned in the cases of murders committed with the purpose to conceal another crime or facilitate its commission, for which the liability is governed by Clause «j», Part 2, Article 105 of the Criminal Code, has led to the conclusion that in some cases the start of the criminal behavior mechanism is determined by the desire to commit another crime or conceal it.
cases the condemned have the whole complex of negative traits such as egocentrism, avarice, hot temper, mood swings, impulsivity. The objective stated in the Clause «j», Part 2, Article 105 of the Criminal Code serves as the determinant of criminal behavior forming when committing such offences. It should be noted that, moreover, the motives (e.g., desire to conceal) and emotions (mood swings, impulsivity) can be the factors causing such an act, but they do not influence on the qualification of the offence.

In case of murders committed out of extremist motive (Clause «k», Part 2, Article 105 of the Criminal Code), one should agree with D.S. Nekrasov’s opinion, who specifies that among the psychological circumstances promoting the commission of such crimes, one should single out the tendency of the public perception to depreciate human’s life, if it is not supplemented with high material indicators (NEKRASOV, 2006, p.117). N.K. Magomedov states that at the psychological level the determination of the crimes committed out of the extremist motive is connected with the functioning of single small social groups, under the influence of which the individual develops one of the motives stated in the Clause «k», Part 2, Article 105 of the Criminal Code (MAGOMEDOV, 2017, p.47).

On the basis of the presented theses, it can be stated that when committing murders out of the extremist motive, the external and internal factors serve as the determinants of forming a criminal behavior mechanism. But it should be noted that the inner factors give rise to motivation constituent forming.

In case of murder committed for the purpose of obtaining the organs or tissues of the victim (Clause «l», Part 2, Article 105 of the Criminal Code), the motives (e.g., mercenary, career, sexual ones and so on) and the objective being the qualifying feature serve as the inner determinants.

Thus, one can summarize that in respect to the qualified murders, there is a special basis underlying the forming of criminal behavior mechanism and coopting, in fact, all the optional signs of the subjective part of the crime, albeit without normative consolidation.

Prevailing and prominent patterns are revealed in privileged elements of crimes against life. One of such crimes is a murder of a newborn child by a mother (Article 106 of the Criminal Code). The subjectivity of the infanticide in all the cases comes to the tendency of the mother to achieve the state of an autonomous life, to overcome the dependence on something or someone, which is perceived as danger to her existence (GABIANI, 1989, p. 35). The distinguishing characteristic of this type of crime is that in accordance with the law it is committed during the act of delivery or immediately afterwards, under the conditions of psycho-traumatic situation or in a mental derangement state, being not exclusive of sanity.

A psycho-traumatic situation stated in Article 106 of the Criminal Code combines both objective and subjective features of the elements of crime (ULITIN, 2019, p. 33). In a state of apparent emotional stress caused by her action, the behavior of the mother is defined mostly by affective motivation, what decreases a woman’s capability to understand properly the environment and her own actions, delimits the ability to control the actions and to foretell them (SOLOVIEVA, 2004, p. 35).

According to some scholars, in the case of infanticide one cannot find the answer to the reasons of the causes of such behavior in the motive as the psychological phenomenon (ANTONYAN, GONCHAROVA, KURGUZKINA, 2018, p. 98). We agree with this point of view as the psycho-traumatic situation is mostly formed of the complex of external factors, which when creating corresponding emotions and motives cause the commission of the criminal act. One can observe such reactions to the psycho-traumatic situations as stress, frustration, crisis, mental stress, physical stress, passion, confusion and other emotional states caused by the influence of the factors of the environment and organism (LUKOMSKAYA, 2011, p.146).

Among the killers of newborn children, more often mentally sane women have had most commonly such features of character as anxiety, self-distrust, timidity, heightened vulnerability, low level of stress tolerance. The literature suggests that «the stated personality traits cause the concentration of emotional stress under the conditions of the prolonged course of psycho-traumatic situation» (VLADIMIROV, 1881).
Consideration must also be given to a number of specific physiological factors resulting from pregnancy and postpartum period. The act of delivery itself is specific stress following which women in the period relating to the infanticide have extreme confusion, behavioral disorganization, inadequate control over behavior, the decrease of foretelling their actions. Thus, the objective factors create the optional signs of the subjective part of the crime, what causes the forming of criminal behavior mechanism when committing infanticide.

In science, some matters of an affective crime are still left unsolved (Articles 107 and 113 of the Criminal Code). People committed crimes in a state of affect refer to a special type of criminal’s personality having the whole range of characteristic features. The research conducted by D.A. Kuzmin has shown that usually the representatives of this type suffer neuroses (27,5%), psychopathies (17,8%), start taking psychoactive drugs (18,2%), have the organic lesion of central nervous system (7,7%) or oligophrenia to a variable degree of moronity (14,2%) (KUZMIN, 2005, p. 107). The literature suggests that the assessment of traumatic factors is defined by individual psychological features and the system of values of the guilty person. The initiation of crime commission is explained by short-time will inability in a state of affect to repress emotional expression, direct and control one’s actions (MUHACHEVA, 2017, p. 115).

In considering the causation of the crime committed in a state of affect, one should pay attention to the analysis of the conflict arisen between the guilty person and the victim (AVDEEVA, 2017, p. 39). The state of affect results from either illegal actions or inactivity of the victim, which are more commonly expressed by an insolent unsanctioned action, blackmail, slander, damage to property or destruction of it, abuse of power, desecration of grave, theft, false pretences (AVDEEVA, 2017, p. 40). Illegal and immoral behavior of the victim is the determinant of forming the criminal behavior mechanism (RONEL, 2011). For the analyzed crimes it is typical that the criminal by committing a crime relieves the affective state (KUDRYAVTSEV, 2007, p. 50).

Crimes, for which the liability is governed by Articles 108 and 114 of the Criminal Code, also have their peculiarities. The stated Articles govern the liability for crimes against life and health when exceeding the limits of necessary defence needed for the detention of the person who has committed a crime. When addressing the psychological aspect of the necessary defence, A.N. Klassen and M.A. Yakunkov specify that in any state of necessary defence there are psychological signs of affect, and any state of affect is instinctively aimed at repulsing an aggressor. The emotions of rage, anxiety caused by injustice can be characteristic for the exceeding the limits of necessary defence. The criterion of justifiable defence, according to the authors, is in an indefinite state of ethical and moral circumstances of analyzed conditions which are individual in any case. The indicators excluding the qualification of the defender’s actions as justifiable necessary defence are vengeance and strong desire to restore usurped justice (KLASSEN, YAKUNKOV, 2007, p. 44). We agree with the scholars’ opinion concerning the conglomerate of psychological patterns accompanying the exceeding of the limits of necessary defence. It is undoubtful that vengeance and strong desire to restore justice can be the determinants of such an excess. For those who commit a crime because of the exceeding of the limits of necessary defence, such psychological components as fear, suddenness, difficulty in adequate assessment of the situation and so on are typical. Thus, the determinants of criminal behavior when exceeding the limits of necessary defence are the negative emotions of a person, fear for themselves and their loved ones.

Addressing the psychological and criminological aspects of the excess of measures needed for the detention of a person who has committed a crime, it should be noted that the determinants of forming the criminal behavior mechanism of the person can be differentiated into the negative and positive ones. To the negative feelings of the criminal one can refer the feeling of a total absence of authority, enmity towards the victim, satisfaction resulted from causing the suffering towards others and etc. To the positive feelings one can refer positive intents, aspirations and etc.

The psychology of the criminals committing crimes, the liability for which is governed by Articles 110, 110.1, 110.2 of the Criminal Code is of concern. Individuals committing the stated crimes refer to the category of violent criminals who have along with the common features of such - i.e., atrocity, uncultured behavior, aggression, envy, inflated self-concept, violation of
the foundational universal moral principles and so on, - also the following patterns of indecision, cowardice, untruthfulness often resulting from cowardice, and, in our opinion, a higher order of intelligence compared to a traditional violent criminal. In total, stated personality patterns determine the choice of a definite behavioral model, consisting in achievement of a set criminal objective by not killing the victim, but leading him or her to self-killing or inclining to it. The determinants of criminal behavior in analyzed situations, except for the crime objective (which is not governed by law, but is actually common to these offences), are the awareness of the guilty person of the suicidal tendencies of the victim.

Crimes against health, including the intentional infliction of injury, have psychological and criminological patterns (Articles 111,112 of the Criminal Code). The research of the intentional infliction of injury, most of all, results from the fact that violence in interpersonal relations still remains one of the acutest problems of modern Russian society. Criminality connected with violence is not just the complex of violent crimes; it is also offences against grandfather rights and interests of the citizens, which creates fear among a great number of people for their life and health (ANTONOVA, 2014, p.180).

The personality of the criminal committing intentional infliction of harm to health is characterized by emotional disorders, psychological and, quite often, social disengagement; it is under the influence of the difficulties connected with the digestion of such an individual of moral and law principles, what is strongly predetermined by improper moral upbringing. The guilty often intentionally cause grievous harm to the health of the other person because of accumulated strong dislike towards one or another family member or existing situations, which have led the guilty person into the nervous state, appeared and developed in him or her according to its inner consistency, regardless of their living environment.

G.I. Antonova specifies that the criminals committing an intentional infliction of harm to health are tentatively divided into two groups: «street» and «domestic» ones (ANTONOVA, 2013, p.51). The «street» type of a criminal is inconstant in their social bondings and relations with others. Emotional imbalance, highly reactive behavior, which usually takes the form of a destructive reaction on inductive stimuli, strictly subjectively perceived and evaluated, are typical for them. Some representatives of this type have prominent striving for leadership, subjugation of others. The analyzed type of the criminals is prone to enmity, quick temper, rancour even towards strange random people. To the domestic type one can refer not only the criminals who have inflicted grievous harm on health of their family, but also of the neighbours’. It should be noted that very often one of the reasons of committing stated crimes is the aggressive behavior of the victims. Thus, the determinants of analyzed offences usually are the external factors, victimologic characteristics of the victim in particular and unstable mental state of the criminal.

When talking about batteries it should be noted that according to the Criminal Code constructive features of this act which define its criminalization are hooligan and extremist motives. P.A. Matushkin, having surveyed the criminals, inflicted batteries, has stated that they have unsociable, conflictive nature, and they are prone to such features as impulsiveness, suspicion, rancor, hypersensitivity in interpersonal relations (MATUSHKIN, 2018, p. 58). The author has developed a system of determinants of committing batteries. They are economic, spiritual and moral reasons, individual ones resulting from the deformity of personal nature, common to specific criminals (MATUSHKIN, 2018, p. 92).

Thus, it can be concluded that both psychological features of a criminal and ambient conditions can refer to the factors causing the commission of batteries. It appears that with respect to the disposition of Article 116 of the Criminal Code, the main determinant of criminal behavior is the motivation element of the criminal which is obvious in his or her striving to express disrespect to the society or which has extremist tendency.

The offences for which the liability is governed by Articles 116.1 and 117 of the Criminal Code from the psychological and criminological aspect also have some characteristic features. The criminal committing them have unsociable, conflictive nature. These individuals usually have a specific temper, they are quick-tempered, impulsive, emotionally vulnerable (MATUSHKIN, 2019, p.162). Among individual psychological features of such criminals forensic expert often distinguishes the following patterns: high level of anxiety, lowering of affectivity threshold,
hypersensitivity in interpersonal relations, impulsivity, bad self-control, inability to restrain or postpone the satisfaction of their desires; highly expressed attraction to acute affective experiences, irritability, nervousness; disdain of moral and ethical norms⁴.

Considering the psychological features of the subject of the crime under Article 119 of the Criminal Code, one can allude to the research conducted by A.I. Natura and D.A. Orabei. The authors have stated that in 85.4% of committed crimes the criminal’s personality was dominated by such features as anti-sociality, antisocial views, extreme tension (NATURA, ORABEI, 2018, p. 72). A.V. Uss has specified that in a significant number of situations of making death threats or threatening to inflict grievous harm to health, a personality of a criminal has had such features as insufficient self-possession, quick temper, heightened reaction in conflict situations, as opposed to rational self-control (USS., 1984, p.54). Threat of murder or infliction of grave injury to health (Article 119 of the Criminal Code) is directly connected with motives (i.e., for instance, hatred, the desire of self-affirmation, gaining leadership in family and etc.) and crime objectives (in particular, to cause harmful changes in victim’s mentality, make the victim feel anxiety, fear, disturbance, concern for safety ad etc.). One should also pay attention to the fact that threat is always a purposeful action; it is aimed at the particular object, i.e. personal immunity. The forming of the criminal behavior mechanism, the liability for which is governed by Article 119 of the Criminal Code depends on the determinants resulting from personality patterns of a criminal, provided there are motivational and objective aspects, originated from external factors. Moreover, it should be noted that in a number of cases the determinants of criminal behavior in a form of threat of murder or infliction of grave injury to health can be the motives related to extremism.

In case of compulsion to remove human organs or tissues for transplantation (Article 120 of the Criminal Code), the main determinant of forming the criminal behavior is the objective. As opposed to other violent crimes, the personality of the criminal committing this offence has such motivational features as ruthlessness, avarice, and desire to help his or her loved one for the account of other person (GALYUKOVA, 2009, p. 98).

Less dangerous crimes in comparison with the ones analyzed earlier are an infection with venereal disease and infection with Human Immunodeficiency Virus (Articles 121,122 of the Criminal Code). According to A.Kh. Yuanov, among the personal traits of criminals committing these offences one should distinguish such as considerably flippant attitude to sexual relationship; lack of sexual culture; moribund behavior towards the health of the other and their loved ones; underestimating of the disease as a severe damage to their health (YUANOV, 2008, p. 89). Thus, it seems that the main determinant of forming criminal behavior in respect to the stated offences is frivolous perception of objective reality, which excludes emotions, but has the objective to satisfy the corresponding need.

When considering the psychological and criminological aspects of illegal performance of abortion (Article 123 of the Criminal Code), it should be noted that the crime mechanism is launched, first of all, by the behavior of the victim which influences the forming of inner psychological processes of the criminal (emotional and willful ones), causing the commission of the criminal act. It is connected with the fact that the victim of this crime acts as deliberate aider (RAZGELDEEV, 2019, p. 217), because if the woman herself did not expect to terminate pregnancy, there would not be any abortions in most cases.

When estimating the psychological and criminological aspects of the optional signs of the subjective part of failure to aid a seek person (Article 124 of the Criminal Code) and leaving him or her in danger (Article 125 of the Criminal Code), it should be noted that they directly depend on the personality of the criminal and are always strictly individual. At the same time one can distinguish typical features. Often the subjects of the stated crime lack compassion towards the victims, they are ruthless, indifferent and etc.

⁴ SEE, E.G.: the verdict of the Leninogorsk City Court of 8 June 2017 in the case No. 1-59/2017. Available at: https://sudact.ru/regular/doc/1XbXjyZAot6gq/; the verdict of the Dedovichsky District Court of 6 February 2020 in the case No. 1-5/2020. Available at: https://sudact.ru/regular/doc/06JsPEoNPSO/.
CONCLUSION

1. The whole complex of the psychological and criminological aspects of the optional signs of the subjective part of crimes against life and health is characteristic only for premeditated crimes.

2. Premeditated crimes against life and health refer to violent crimes. Within the framework of the Russian legislation they are arranged hierarchically according to the degree and character of the danger to the public.

3. The optional signs of the subjective part in the elements of crimes against life and health as a part of the psychological and criminological aspects reveal themselves through the criminal behavior mechanism. The latter can be defined as the systemic complex of functionally interconnected psychic processes, states and features of the criminal’s personality as well as external conditions, which as the result of interaction determine such behavior. The criminal behavior mechanism includes motivational, objective and emotional aspects, as well as the decision to commit a crime, its performance and post-criminal behavior. The optional signs of the subjective part of the stated offences have individual meaning at any stage of criminal behavior mechanism.

4. External and internal determinants take part in forming the mechanism of criminal behavior when committing crimes against life and health. Within the framework of the current research it has been established that every premeditated crime against life and health has individual determinants which can be useful for distinguishing related elements of crimes.

5. Criminals committing premeditated crimes, the liability for which is governed by Chapter 16 of the Criminal Code are prone to mental disorders, irritancy, antisocial behavior, indifference towards others and other negative emotional features.

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Optional signs of the subjective part in crimes against life and health in russian legislation: psychological and criminological aspects

Sinais opcionais da parte subjetiva em crimes contra a vida e a saúde na legislação russa: aspectos psicológicos e criminológicos

Signos facultativos de la parte subjetiva en los delitos contra la vida y la salud en la legislación rusa: aspectos psicológicos y criminológicos

Resumo
No âmbito da pesquisa atual, tem sido realizada a análise do aspecto psicológico e criminológico dos sinais opcionais da parte subjetiva em crimes contra a vida e a saúde. No âmbito das características psicológicas e criminológicas, os padrões declarados podem ser divulgados através do processo de formação do mecanismo de comportamento criminoso. No âmbito da pesquisa atual, foi estabelecido que determinantes individuais que podem ajudar a diferenciar elementos relacionados ao crime são comuns a cada crime premeditado contra a vida e a saúde. Desarranjos mentais, irritação, comportamento antissocial, depreciação das relações sociais, indiferença aos outros e outros padrões emocionais negativos são frequentemente comuns aos criminosos que cometem crimes premeditados que são puníveis sob o capítulo 16 do Código Penal da Federação Russa. Padrões descobertos podem ser úteis para o desenvolvimento de novas técnicas de investigação, para a prevenção dos crimes declarados e melhoria da legislação.

Palavras-chave: Crimes contra a vida e a saúde. Sinais opcionais da parte subjetiva do crime. Motivo. Emoções. Mecanismo de comportamento criminoso.

Abstract
Within the scope of the current research, the analysis of the psychological and criminological aspect of the optional signs of the subjective part in crimes against life and health has been conducted. Within the scope of the psychological and criminological features, stated patterns can be disclosed through the forming process of the criminal behavior mechanism. Within the framework of the current research it has been established that individual determinant which can help to differentiate related elements of crime are common to each premeditated crime against life and health. Mental derangements, irritation, anti-social behavior, depreciation of the social relations, indifference to others and other negative emotional patterns are often common to the criminals committing premeditated crimes which are punishable under Chapter 16 of the Criminal Code of the Russian Federation. Discovered patterns can be useful for the development of new investigation techniques, for the prevention of the stated crimes and legislation improvement.

Keywords: Crimes against life and health. Optional signs of the subjective part in crime. Motive. Emotions. Criminal behavior mechanism.

Resumen
En el ámbito de la presente investigación, se ha realizado el análisis del aspecto psicológico y criminológico de los signos facultativos de la parte subjetiva en los delitos contra la vida y la salud. Dentro del alcance de las características psicológicas y criminológicas, los patrones establecidos pueden ser revelados a través del proceso de formación del mecanismo de comportamiento criminal. En el marco de la investigación actual se ha establecido que los determinantes individuales que pueden ayudar a diferenciar los elementos relacionados con el crimen son comunes a cada crimen premeditado contra la vida y la salud. Los trastornos mentales, la irritación, el comportamiento antisocial, la depreciación de las relaciones sociales, la indiferencia hacia los demás y otros patrones emocionales negativos son a menudo comunes a los delincuentes que cometen delitos premeditados que se castigan con arreglo al capítulo 16 del Código Penal de la Federación de Rusia. Los patrones descubiertos pueden ser útiles para el desarrollo de nuevas técnicas de investigación, para la prevención de los delitos declarados y la mejora de la legislación.

Palabras-clave: Delitos contra la vida y la salud. Signos facultativos de la parte subjetiva en el crimen. Motivo. Emociones. Mecanismo de conducta delictiva.