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## THE MAIN ELEMENTS OF THE MECHANISM OF CRIMINAL BEHAVIOR

*The article consider the interaction of objective and subjective factors in the determination of criminal behavior. The elements of the psychology mechanism of criminal behavior are determined, the properties of the personality of the offender and his attitude to the results of the crime, needs, interests, motives, the purpose (purposes) of the crime, features of use or purposeful creation of a criminal specific situation the need and incentives are analyzed in the context of the different approaches.*

**Key words:** criminal behavior; the mechanism of criminal behavior; self-determination; the offender's personality; act; purpose; motive; incentive; juridical psychology.

Summary of existing monographs of legal psychology suggests that the interaction of objective and subjective factors in the determination of criminal behavior is realized in a specific psychological mechanisms act (criminal act or omission), and its constituent elements are the properties of the individual offender and his relationship to the results crime, needs, interests, motives, objective (goal) of the offense, and especially the use of offender specific situation or its purposeful creation. In this case the criminal nature of the act (omission) depends not features of the psychological mechanism of its commission, other than the mechanism of lawful behavior, and defects in some parts of the mechanism that formed at different stages of its operation.

It is generally accepted thesis that the determination by the criminal behavior – always a complex interaction of objective and subjective factors [1–2]. Extreme cases, as determined by external conditions, we should recognize this objective situation that is liable to cause criminal consequences of the absence of antisocial orientation (art. 36, 38, 39, 41 of the Criminal Code of Ukraine). Deprivation of life in a state of self-defense does not entail criminal liability just because external cause socially dangerous, but in fact

socially beneficial actions become very situation that leaves other possibilities as to deprive the life of the assailant.

On the other hand, the cause of wrongful conduct may also identify itself – or rather its individual psychological characteristics that lead to some rather tough option selection alternatives and the decision to commit a crime in a neutral social situation or subject to deliberate creation of the crime situation by the person. In these cases it is a self crime.

At this moment, that last point is one of the most controversial in legal and psychological and criminological literature, and this discussion largely generated by different scientific approaches to the interpretation of the term «offender». We deny the possibility of a direct impact on the criminal behavior of biological factors (the theory of «innate criminal») and attempts to explain the commission of the offense by the existence of crime, «a private facts of the offense for him, regardless of the outcome, for the process of committing criminal acts» [3, p. 206]. The origins of the self to be found precisely in individual psychological characteristics of the perpetrator.

This idea is not new in the legal and psychological literature. V. Bekhterev in the «On experimental psychological study of criminals» (1902) wrote: «The more we delve into the study of crime people, the more convinced of the complexity of the mental and moral conditions that underlie crime. Alone the fact that we still cannot agree with respect to different categories of criminal individuals indicates particularly difficult mental foundations of crime.

This fact is explained by the fact that in this case as a crime, the entire personality of the subject and, moreover, all his psychophysical organization, and in some cases, at the heart of the crime is a special mobility sensual areas of extreme irritability of impulsivity, the so-called criminals of passion, in other cases the crime is basically a natural disadvantage sensuous sphere, which appears undeveloped moral sense, so that the criminals are in this category usually commit crimes beforehand deliberate intent for the needs of his nature without much effort, it's criminals, denied moral feelings, often congenital criminals, approaching the category known form of moral insanity, in the third case, the crimes committed by shortcomings in the intellectual sphere due to the inability to assess the value of property rights and more or less clear distinction between good and evil. This so-called weak-minded criminals or

mentally ill criminals. In the fourth case, we have weakened the will of criminals because of alcoholism and other reasons that differ laziness, inability to work systematically and for which crime is the only possibility of existence. But these divisions offenders in certain categories, which was proposed and offered set to suffer a big convention» [4, p. 203].

S. Poznyshhev, emphasizing the importance and significance of the study of offender to understand the genesis of criminal behavior, argued that the presence of both intent and negligence indicates that the subject has something such as «served as the roots of the crime. Wine ... is a specific mindset, which has evolved in humans under the influence of two forces: the effect on it of various events occurring in the environment , on the one hand, and its mental constitution – on the other. It consists in the offense that the person has committed something forbidden by law or has not complied with that criminal law requires that it is in offense or omission, it is always a willful act and, as such, is a kind of motor response obtained at the individual impression» [4, p. 236]. The mechanism of this reaction, he believes the choice of available opportunities, which manifests all the «spiritual person» offender with his usual reserve of experience, ability or inability to provide for a more or less distant future, with existing skills and strong-willed tendencies to certain types of behavior. If there is the intention of the person consciously predicts the consequences of their behavior (although this idea may be wrong) and «receiving permission» minds to it; the crime of negligence such forecast is no or insufficient.

Of course, our understanding of the nature of the mental over the past century have changed. We did not assess blame as mood, that certain emotional state; it is conscious or not conscious attitude to face the possible consequences of their behavior. Mental constitution – is too simplistic interpretation of complex inner world of man, which S. Poznyshhev pronounced biological connotation. Dramatic action cannot be reduced only to the motor response, as well as the presence provides intelligent (struggle motives) and emotional (feelings) components. But the author's conclusion from that ceases to be true in fact: criminal behavior is a reflection of «spirituality» of the individual, the only choice of many possible alternatives solutions to solve the situation on the basis of experience, the level of intellectual development, existing systems and behavior.

Modern foreign and domestic researchers (H. Eysenck, R. Baron, Y. Antonian, A. Naumov, E. Samovychev, S. Trofimov etc.) provide different lists of typical psychological traits of persons perpetrators, particularly violent crime. These include high anxiety and emotional sensitivity, irritability and resentment, lack of balance, or, conversely, rigidity of affect (the tendency to suspect others, jealousy, vindictiveness), vivid imagination, impulsivity, aggression, violence, inadequate level of communication skills and self- and so on. This summary list is easy to see some controversy, which is quite natural, given the identity of these authors to various scientific schools. Despite this, of course, that the individual psychological level, the difference between law-abiding citizens and criminals, as well as between the different categories of focus for antisocial offenders exist, and it allows you to create some of their typology.

Y. Antonian, M. Yenikeev and V. Eminov [5], summarizing the results of a survey of persons convicted of violent crimes by methods MMPI and 16-PF Kettle, offered to allocate seven types excitable, uncontrollable, obstinate (stubborn), active, demonstrative, getting-stuck, gutless. The authors note that the formation of the corresponding type involves different factors: the accented character traits, especially education during the formation of consciousness, the specific circumstances that preceded the crime – the victim of future provocative behavior, expectations of others, which, for example, may incite killer, current mental state (state of exhaustion, agitation, anxiety, fear, resentment, intoxication etc.).

E. Samovychev [6] distinguishes between those murderers, explaining his action «righteous indignation», impulsive anger («angry, could not resist»); desire defended from aggression («forced to defend his own life»); loss of self control («i was drunk»). In our opinion, this is not about types (typology), and the features of motivation, more or less sincere clarify the causes of this behavior for themselves and others.

A. Kuchera made a criminal psychological analysis of homicides in family home soil – those where individual properties are manifested most clearly, as this type of criminal acts are always preceded by protracted conflict relationship between the offender and the victim [7, p. 354–360]. One of the explanatory mechanisms of criminal behavior he considers the phenomenon of formation of psychological defense identity that helps the offender to «make» the

killing of an acceptable («projection», «rationalization», «intellectualization» etc.). In his view, psychological defense mechanisms «work» and in the case of impulsive, untrained in advance of the crime.

The author distinguishes four types of killers.

1. Persons living in foreign favorable (light) world and have a simple internal world, guided by the «pleasure principle» (Z. Freud) are hedonistic, consumerist way of life. They have no long-term goals (concerned about satisfying selfish needs «here and now») will not overcome difficulties developed. Blocking needs is infantile reaction protest desire immediately restore the pleasure, to achieve the desired and punish the offenders in any way, without thinking about the consequences. Murder for such socially and educationally neglected, underdeveloped people – no problem, it does not cause any emotions. The share of assassins is more significant than might appear (about 40%). They do not need a psychological defense, because there is no feeling of guilt is merely a statement of fact.

2. Persons are unfavorable (severe) conditions and have a simple inner world. Representatives of this type are used to «fight for life» to survive. They try to behave rationally, realistically, with the focus not on the experiences of others, and to their own fate («had to kill because they had no other choice», «forced to kill»).

3. Individuals with complex inner world of people living in «ordinary world». Their attempts to neutralize the conflict situation found unsuccessful due to excessive tendency to «intellectualization» suspicion, greed and so on. Therefore killings are often impulsive, emotionally charged is a clear manifestation of protest against the «injustice». Concentration experiences in individuals of this type often varies, ranging from self-incrimination and aspirations self-punishment up to accusations of self-justification and victim. Experiencing these are not consistent and not constructive, contradictory and superficial.

4. The person of complex in a complex world – creative and responsible, among killers on family and household almost never occur. There are cases where the offender after the offense already, all is forgotten, there is the guilt, because there is a strong case for self-justification, cannot live in peace with such a burden for souls.

Thus, we can say that among the intentional violent offenders are a significant number of people – carriers of similar psychological

traits, such as impulsivity, aggression, hypersensitivity to interpersonal interaction, alienation, lack of social adaptability. These features can be seen as a predisposition to commit the crime, that reduce the «criminogenic threshold» personality. As noted by Y. Antonian, «the perpetrator is different from the individual law-abiding negative content values-regulatory system and stable psychological characteristics, the combination of which has a specific meaning and crime is for criminals. This specificity of the moral and psychological profile of a factor they commit crimes they did not psychologization causes of crime, as these features formed under the influence of the social relations in which the individual was included, have social origins» [5, p. 29].

A similar view expressed A. Ratinov, arguing that criminal behavior is always the result of eksterioryzation value-regulatory system of the individual. He said that lawyers are not always accurately interpret the psychological origins of criminal behavior: «The proposed V. Kudryavtsev conceptual framework genesis of criminal behavior suggests the possibility of direct action life situation as a direct cause of the crime, without the mediation of personal property subject. Meanwhile, from a psychological point of view the situation – is the subject of a certain vision of a fragment of reality, which is its actual activities. Exposure situation submission situational motives – is a manifestation of social immaturity personality instability its values-regulatory system» [8, p. 27].

Thus, the elements of the mechanism of the offense is not a property of the offender and his relationship to the crime, but the criminal use of features specific situation or their purposeful creation. Accordingly, the stages of a criminal act is the formation of the indicated variables, updating them in certain situations, making behavioral decisions and their implementation. In this case the criminal nature of the act (omission) depends not some special psychological mechanism commit mechanism other than lawful behavior, and defects in some parts of the mechanism that formed at different stages of its operation. These «deviations» that provide social value of crime act may apply to any part of the psychological mechanism of one or more stages of its operation, be of varying duration and level of awareness.

The more the early stages of operation of the psychological mechanism of committing a crime, we analyze the more remote they

are from the time of the offense, which complicates the understanding of its true origins. The smallest distance measure is observed with regard to decision-making: it is all reflection, preparation, finding necessary means waiting for the right moment or special creation of a situation conducive to crime. Implementation of decisions over time coincides with a crime, and it's a psychological component to it submitted the lowest compared to the previous stage.

Therefore, even if the mechanism of committing a crime should understand the relationship and interaction between external factors and internal objective reality, mental activity of the person who determines the decision and controls its execution. This mechanism, of course, is a dynamic, not a static phenomenon, where all the components (elements) are in interaction.

All crimes on the mechanism of their commitment can be divided into two classes – exerted in the form of simple and complex volitional action, and fundamental psychological difference between them is the presence or absence of motive (as an option – several reasons, in this case, an integral component of a complex volitional action becomes a struggle of motives) [9, p. 446]. It can be concluded that all intentional crimes constitute a complex, reckless (situation-impulsive) crimes – simple volitional action. The latter are dominant operational settings and behaviors individuals; in the presence of deliberate criminal intent – to consider a set of objective-subjective relationships between the various components of the act, especially before-criminal, criminal and post-criminal behavior of the perpetrator.

In complex volitional actions can be distinguished stage before-action – definition of goals and personal acceptance. This refers to the original link conscious behavior – act as a single purposeful action taken in the inseparable unity of the subjective motives and socially significant consequences. «Crime – an act of human behavior that is under the control of consciousness: selective behavior is the basis of criminal liability for committing» [9, p. 205].

Social orientation dangerous offender actualized in the presence of drive – external circumstances, which is not an independent cause, but only «triggered» reason for existing.

Thus for the crime does not matter, it is typical or atypical, significant or insignificant, because its characteristics – display the characteristics of the offender, his preference, social position,

motives and goals of crime. Therefore, the objective situation and the uniqueness of its subjective meaning may be the same or different.

Dependence of the decision on the specific situation in life in which there is a reason, its defining role in the commission of the crime repeatedly stressed in criminological and psychological literature. Specific life situation manifested as: a) tasks that needs to be addressed and require some action on the subject; b) the decision situation; c) the condition of the decision; d) factors influencing the decision to commit a crime.

More about the general subject is the concept of «stimulus», external necessity, that is a direct link activating action (sudden dangerous situation, coercion, violence, requests etc.) and enhances the motivation to act or direct forms of motivation. Thus, in the commission of violent crimes such personal meaning is about protecting the «Self» of unwanted information threatening, resulting in increased mental tension, exacerbated by negative emotions (anger, fear, aggression). The next step is to mobilize the most familiar, is unconscious reactions and risky exercise designed to externality extreme action, and which are the reason for the crime. Objectives are defined behavior while spontaneously deployed without their awareness, specifies the situation itself. But this spontaneity – only outdoor: depends on the person, as it reflects the situation and how to react to it. Even in the most critical situations adequately socialized person finds acceptable output, so no «favorable conditions» do not justify criminal behavior, they only indicate the level of subjective readiness for it.

Thus, the situation is a crime – a kind of personal indicator of social adaptability of the individual. When circumstances affecting the formation of criminal intent, they act as mechanisms tsileutvoryuyuchi person's behavior, not as a causal mechanism of behavior.

It is necessary to distinguish between the criminal and the concept of crime and criminological concepts of criminal behavior. Crime – action or inaction that has an objective and a subjective side of the corresponding structure and is characterized by social danger. Criminal behavior – a broader concept, is not only socially dangerous and illegal action, but its origins (causes), goal-setting, decision-making and selection tools. If you try to give it legal and psychological definition, criminal behavior – is motivated, purposeful, deliberate and controlled action by which achieved a certain antisocial purpose. The motives which induce a person to act,



in reaching its goals are realized, making criminal acts acquire certain meaning and nature of the completed complex volitional act.

In our view, expressed by constituents beyond criminology, since it is a purely psychological phenomena: motive, purpose, decision-making, which together reveal the causes of individual criminal act. No external manifestation of conscious action, including – crime does not happen spontaneously: it is almost always produced more or less prolonged period of identity formation. Criminal behavior is a process that unfolds over time and space, and consists not only of actions that change the environment, but also the preceding them psychological phenomena and processes that determine the genesis of a criminal act.

### REFERENCES

1. Кудрявцев В. Н. Причинность в криминологии. О структуре индивидуального преступного поведения / В. Н. Кудрявцев. – М. : Юрид. лит., 1968. – 175 с.
2. Тарарухін С. А. Вибрані твори. – Ч. I : Юридична психологія. Мотивація злочинної поведінки. – К. : Вид-во НАВСУ, 2004. – 212 с.
3. Юридична психологія : [підруч.] / за заг. ред. Я. Ю. Кондратьєва. – К. : Вид. дім «Ін Юре», 1999. – 352 с.
4. Юридическая психология : хрестоматия / сост. : В. В. Романов, Е. В. Романова. – М. : Юристь, 2000. – 448 с.
5. Антонян Ю. М. Психология преступника и расследования преступлений / Антонян Ю. М., Еникеев М. И., Эминов В. Е. – М. : Юристь, 1996. – 336 с.
6. Самовичев Е. Г. Убийство: психологические аспекты преступления и наказания [учеб. пособие] / Е. Г. Самовичев. – М. : Изд-во ВНИИ МВД СССР, 1988. – 50 с.
7. Кучера А. В. Кримінально-психологічний аналіз убивств на сімейно-побутовому ґрунті / А. В. Кучера // Проблеми пенітенціарної теорії і практики : щоріч. бюл. Київ. ін-ту внутр. справ. – К. : КІВС ; МП Леся, 2002. – С. 354–360.
8. Личность преступника как объект психологического исследования : сб. науч. тр. – М. : Всесоюз. ин-т по изуч. причин и разрешению мер предупреждения преступлений, 1979. – 178 с.
9. Бандурка А. М. Юридическая психология : [учеб.] / Бандурка А. М., Бочарова С. П., Землянская Е. В. – Харьков : Изд-во НУВС, 2001. – 640 с.