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**A WOMAN AS A SUBJECT OF CRIME IN ARTICLE 117 «MURDER  
OF THE MOTHER OF A NEWBORN CHILD»**

Woman ... Charming, gentle creature. They are worshiped and taught, but everywhere it always remains a mystery. Unfortunately, at this moment, the role of a woman in modern society is somewhat distorted.

The preconditions for this were created by many generations of previous centuries when a woman was considered a person of a lower level, without the right to vote and without the right to self-fulfillment. Today, a woman has all the rights and freedoms, like a man, and, unfortunately, in some social spheres, «ahead of» a strong half of mankind.

Today, the state of female crime is largely an indicator of the moral health of society, an indicator of its spirituality, its attitude to the basic human values.

Women's crime today is a very important problem in society. Despite the fact that this type of crime in any country does not have a dominant character, its indicators affect the social morality and attitude towards the fundamental values.

Although the Criminal Code of Ukraine (hereinafter - the Criminal Code) provides only one crime (Article 117 «Murder of the mother of a newborn child»), a special subject of which is a woman.

Considering such a specific type of murder, we can say that the specific characteristics of the murderer still do not exist, with the change of moral values, the behavior of such persons changes. If to analyze judicial practice, this characteristic follows. The overwhelming majority - young women under 25, more than half are not married, give birth to children for the first time, in most cases from accidental or first sexual intercourse. Very worried about an out-of-wedlock pregnancy, hiding from others. Shame and horror in front of parents or relatives, in most cases, control the killer's actions.

The subject of such crimes is, as a rule, a woman abusing alcohol, drugs, etc. If, however, the will to establish the consequences of the willful form of guilt, the actions of the guilty should be

qualified as a deliberate murder or attempted assassination. However, the subject of a crime provided for in Art. 117 of the Criminal Code, the mother, who is in a special condition of a psychophysical condition conditioned by childbirth, stands. The state of pregnant women during childbirth or immediately after childbirth is characterized as a psychopathic disorder (postpartum psychosis), which appears due to abnormalities in the nature of man and is conditioned by the peculiarities of the nervous system and the psychophysical constitution.

Investigation of women who have committed unlawful actions in the postpartum period showed that regardless of the nature of mental disorders in the postpartum period, they have certain general clinical signs due to the peculiarities of violations associated with pregnancy and childbirth, which are found in the acute emergence of mental disorders. These include the presence in the clinical picture of the psychosis of the symptoms of the darkness of consciousness, affecting disorders and phenomena of asthenia. Also, in addition to the psychopathic factors of childbirth, it is necessary to take into account the influence of specific physiological factors due to pregnancy and the postpartum period.

The subjective part of the crime provided for in art. 117 of the Criminal Code, characterized by intentional form of guilt, namely direct or indirect intent. This indicates that the mother-in-law is aware of the socially dangerous nature of her actions during the commission of the murder and assumes the occurrence of harmful consequences (death of the child) as a result of her actions and wishes for the onset of these consequences or not, but deliberately permits their onset.

However, the psychological attitude of the person to both his actions and their consequences in the commission of this crime is characterized by certain psychophysical features of the state of a woman-woman:

- firstly, his behavior is due to the combination of emotional stress caused by pregnancy and childbirth and the mental processes that accompanied them (family conflicts, marital betrayal, social and material state);
- secondly, the presence of a temporary mental disorder that weakens the ability of the mother to realize and manage their actions.

Consequently, the main reason for recognizing this crime as a murder under mitigating circumstances is the particular mental and physical condition of a woman during or immediately after birth, which weakens her ability to govern her actions. Why sometimes there is a woman during childbirth or immediately after them this painful condition, science is not exactly known. Only some of the favorable factors and clinical manifestations are clear: symptoms of darkened consciousness, affective disturbances - rage, anger, fear or depression, delusional statements, hallucinations, etc. The woman is excited, she is bustling, screams, and feels lethal anxiety. In this period, a woman often crips or kills her newborn baby, and then tries to put her hands on herself. Forensic psychiatrists in such cases give an opinion on the insanity of a woman at the time of criminal action. Mental disorders in the postpartum period are a team of psychoses that are characterized by a variety of clinical manifestations. Often, they merge into a general pestilent picture by only one factor of childbirth. This psychosis in most cases, as a rule, has an absolutely benign course - it occurs acutely, directly chronologically associated with the factor of labor, short-term. A woman who has undergone such a psychosis is not mentally ill. Almost all women who tried to kill or killed their newborn baby were completely healthy mentally, but committed their actions in a temporarily morbid condition.

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## **CRIMINOLOGICAL TERMINOLOGY IN UKRAINIAN DIMENSION**

Global problems of the nature of crime and its prevention were reflected and developed in the works of famous foreign and Ukrainian scientists who formed the main criminological theories and identified ways of criminological science development for a long time.

The notion of crime was determined by such well-known Ukrainian criminologists as Volodymyr Golina, Ivan Danshin, Viktor Dromin, Anatolii Zakalyuk, Anatolii Zelinsky, Oleksandr Kostenko, Igor Lanovenko and others. Mostly they were of the opinion that crime is a social phenomenon. In particular, criminality was seen as