

CRIMINOLOGICAL CHARACTERISTIC OF CRIMINAL PERSONALITY WHO COMMITS SEXUAL ABUSE OF MINORS

The problem of sexual crimes against minors has always received wide publicity. At the state level the special attention is paid to the protection of motherhood and childhood, the rights of minors, their health care and interests. However, despite of these measures, in Ukraine there is steadily high quantity of crimes that are qualified as falling under the article 156 of the Criminal code of Ukraine, namely – depravity of minors. These crimes constitute the increased social danger as they break sexual inviolability and normal sexual development of the child and the teenager.

During the last decades one can observe a considerable decline of moral foundations of society in the world. Development of society and ideology, telecommunication systems, the Internet, printing mass media led to the sexual revolution. The special anxiety is caused by the fact that these changes show themselves in consciousness, sexual behavior of society and deformation of sexual morals. The stereotype of “sexual permissiveness” was created.

A person committed a depravity of minors is socially dangerous as he encroached on normal sexual physical and mental development of a child. Premature development of sexual instinct can entail serious harm to normal development of personality. Intellectual, volitional and emotional spheres which have not been formed yet make victim helpless.

There is a widespread thought that the reason for commission of depraved actions by such persons is mental disorders and diseases.

Formation of motivation for depraved actions is influenced by existence of parafily (perversions) that is disorders of sexual tastes. The pedophilia belongs to group of sexual deviations which have no symptoms of pathologies and are only a kind of sexual behavior which deviates from social, moral or rules of law. The main features of pedophilia are: an adult has persistent and constant or dominating preference for a child as a sexual partner; an object of encroachment is children of both sexes.

Deviations of sexual preferences are quite often connected with the distorted stereotypes of behavior acquired by the person in the childhood, personal experience of violence in a parental family that results in psychological deformations of future criminal. Alcoholism is considered to be one of the factors intensifying manifestation of propensities to pedophilia.

The most of vicious actions are committed while intoxicated, as a rule, against the background of regular abuse of alcoholic drinks, and it always leads to violation of social rules and rules of ethics. An individual is much less critical of his behavior while intoxicated, mental processes slow down, clear-

ness of perception is absent, primitive desires, especially sexual ones, prevail. Therefore, as an internal condition provoking criminal behaviour alcoholism strongly influences person's behavior.

Thus, most often while intoxicated choice of victim is random. The offender doesn't look for the subject of satisfaction of his sexual desires as is the case when other sexual crimes are committed, but directs his immoral actions at those who appear in his way. Victims owing to their age are very trustful and careless and as a result too easily become "ideal" victims.

But not everyone who committed depravity of minors has mental disorders or is intoxicated. Generally they are persons with sound mind who are good workers, and are characterized by good productive achievements. They most often purposely find a job in establishments where there is an opportunity to contact children directly.

As to marital status they are married and have children. They are characterized by uncertainty, weakness of volition qualities; it is difficult for them to feel as equals with adult sexual partners. The child attracts them not by his sexual immaturity and sexual incompleteness, but because the child is defenceless and depends on the adult, it isn't a shame to appear sexually weak and unable; and even to show sadistic inclinations which the adult person won't allow.

The motive of this crime, as a rule, has the sexual direction, desire to satisfy sexual needs. But there are cases when the motives behind the commission of depraved actions are hooligan (demonstration of genitals in a public place), or these actions are prompted by other motives, in particular revenge, desire to intimidate and humiliate the victim.

Thus, social danger of persons committed depravity of minors is in depraved actions which can harm normal mental and moral development of children and teenagers not less than having sexual intercourse with them. It determines need for development and introduction into practice of effective means to prevent this negative phenomenon. Such actions should be based on the detailed analysis and study not only of the constituent elements of a crime, but also on the characteristic of the criminal personality.

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ON THE DEFINITION OF "PROCEDURAL NORM" IN AGRARIAN LAW

In recent years an urgent need for the solution of the problem of procedural norms which adjust the procedural mechanism of legal norms implementation has arisen. The solution of this problem could provide the guaranteed use of the rights and performance of duties by different subjects in conditions of legal state development.