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Actual Problems of Criminological Research of the Identity of a Juvenile Offender

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Abstract

Personality is a product of social relations and arises as a result of the interaction of social and psychological factors. Each person is distinguished by his attitude to certain values and the social image created by the influence of individual characteristics. Conceptual scientific research on personality has created a fertile ground for the study of scientific provisions in jurisprudence, especially in forensic research. With the help of criminological knowledge, the identity of the perpetrator is studied not only as a mechanical sum of social and psychological features. As the identity of the perpetrator is complex and multifaceted, the study should also be based on a detailed forensic analysis.

Keywords: Crime, Criminology, Characterization, Juvenile, Personality, Portrait, Signs, Psychology, Physiology.

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АКТУАЛЬНЫЕ ПРОБЛЕМЫ КРИМИНОЛОГИЧЕСКОГО ИССЛЕДОВАНИЯ ЛИЧНОСТИ НЕСОВЕРШЕННОЛЕТНЕГО ПРАВОНАРУШИТЕЛЯ

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Резюме

Несовершеннолетние преступники всегда составляют лишь часть контингента преступников, но чем их больше и чем опаснее совершённые ими преступления, тем сильнее проявляется нравственное неблагополучие общества. Личность несовершеннолетнего преступника отличается, прежде всего, своей социальной и психологической, в целом, жизненной незрелостью, несформированностью идеалов и целей, которые могут быть поставлены ими самими. Они ещё не знают или не совсем знают, что представляют собой, не овладели собой в необходимой мере. Поэтому могут согласиться совершить преступление, особенно если предложение об этом исходит от весьма ими ценимой группы или уважаемого человека. В статье рассматриваются основные моменты относительно личности несовершеннолетнего преступника в качестве элемента криминалистической методики расследования преступлений, совершенных несовершеннолетними.

Ключевые слова: преступление, криминология, характеристика, несовершеннолетний, личность, портрет, признаки, психология, физиология

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Çocuk Suçlunun Kimliğine İlişkin Kriminolojik Araştırmanın Güncel Sorunları

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Öz

Kişilik, sosyal ilişkilerin bir ürünüdür ve sosyal ve psikolojik faktörlerin etkileşimi sonucu ortaya çıkmaktadır. Her insan belirli değerlere karşı tutumu ve bireysel özelliklerin etkisiyle oluşturduğu sosyal imajı ile ayırt edilir. Kişilik üzerine kavramsal bilimsel araştırma özellikle adli araştırmalarda hukuksal alandaki bilimsel ükümelerin incelenmesi için uygun bir zemin oluşturmuştur. Kriminolojik bilginin yardımıyla failin kimliği sadece sosyal ve psikolojik özelliklerin mekanik bir toplamı olarak incelenmez. Failin kimliği karmaşık ve çok yönlü olduğundan çalışma ayrıca ayrıntılı bir analize dayanmalıdır.

Anahtar Kelimeler: Suç, Kriminoloji, Karakterizasyon, Çocuk, Kişilik, Portre, İşaretler, Psikoloji, Fizyoloji

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Intoduction

Juvenile offenders are always only part of the population of criminals, but the more the more dangerous the crimes they commit, the stronger the moral disadvantage of society manifests itself. The personality of a minor criminal is distinguished, first of all, by his social and psychological, in general, immaturity in life, informality of ideals and goals that can be set by themselves. They do not yet know or do not quite know what they are, have not mastered themselves to the necessary extent. Therefore, they can agree to commit a crime, especially if the proposal to do so comes from a highly valued group or a respected person. The article considers the main points regarding the identity of a juvenile offender as an element of the forensic methodology for investigating crimes committed by minors.

1-Forensic Examination of the Identity of a Juvenile Committed a Crime

In addition to such sciences as criminalistics - criminology, criminal procedure law, criminal law, as a branch of law, as its name suggests (criminalis - crime), acts that are considered criminal and punishable by law, as well as those suspected of committing such acts, refers to the fields of science that study various aspects of the personality of people whose guilt has been proven (moral, psychological, demographic, etc.), and crime as a negative social phenomenon in general. However, the science of criminology does not exclude itself from criminal law, criminology and so on and has special responsibilities that distinguish it from such fields of science. Thus, criminology has emerged as a result of the analysis and generalization of investigative experience, using the achievements of natural and technical sciences in the detection, investigation and prevention of crime. Directly, criminology has developed a comprehensive, tactical and methodological methods and tools to combat crime that can meet the requirements of modern times from a scientific point of view, and they are currently being used

successfully. At the same time, criminology ensures timely, objective and full disclosure of crimes, as well as the achievement of the tasks facing the criminal proceedings.¹

At the same time, criminology is correlated with other legal sciences that study crimes and offenders. Even at some points, without forensic knowledge, the problems of other legal sciences cannot be studied. For example, it is impossible to solve the procedural and legal issues of criminal proceedings without knowledge of criminology, because criminal procedure law is closely linked with the natural, technical and social sciences.

This is explained by the fact that in the process of preliminary investigation and trial of crimes, there are very different issues of importance to the case, and it is not enough to follow the criminal and criminal procedure legislation to clarify these issues. In such cases, along with compliance with the law, there is a need to apply certain knowledge of natural, technical and other sciences. For this reason, the science of criminal procedure is closely related to the science of criminology.² When studying the criminological features of the investigation of crimes committed by minors, first of all, attention should be paid to the criminological characteristics of the subject of crimes of this category.³ According to the current criminal legislation of the Republic of Azerbaijan, as a general rule, persons who have reached the age of sixteen before the commission of a crime are prosecuted, but according to Article 20.2 of the Criminal Code, a person who has reached the age of fourteen is less likely to commit murder, inflict grievous or grievous bodily harm, kidnapping, rape, acts of sexual violence, theft, robbery, burglary, extortion, unlawful seizure of a car or other vehicle without intent to rob, intentional destruction of property in aggravating circumstances or inflict bodily harm, terrorism, hostage-taking, aggravated hooliganism, looting or extortion of firearms, ammunition, explosives and devices, looting or extortion of drugs or psychotropic substances; criminal liability for rendering vehicles or roads unusable is involved. So, when talking about the criminological characteristics of the

¹A. Mahmudov, N. Huseynov, Sh. Abdurahmanov, A. Allahverdiyev, N. Hasanov, S. Abdullayev, *Collection of lectures on criminology*, Police Academy of the Ministry of Internal Affairs of the Republic of Azerbaijan, 2007, p.455.

²F.M. Abbasova, *Criminal proceedings*, Textbook, General part, Zardabi LTD LLC, Baku 2015, p.76.

³L.N. Kostina, "Applied psychology in ensuring the rights and legitimate interests of minors", *Rights and freedoms of man and citizen: current problems of science and practice. Proceedings of the International Scientific-Practical Conference*, Eagle 2013, p. 24.

identity of the juvenile offender, according to the age criterion, we must take the minimum age of 14 and the maximum age of 18, because at the age of 18 a person is considered an adult.

2-Pronounced Symptoms in the Juveniles' Psychological Portrait

In the psychological portrait of people aged 14-18, as a rule, the following are the most common and more pronounced symptoms:

1) Acute tendency to self-assertion is the most characteristic feature of adolescence. The tendency to assert oneself stems from a person's desire to achieve certain results, to achieve a certain success as a result of independent activity without any influence. This feature is not characterized in psychology as a negative state in itself, because it is under the influence of a progressive environment aimed at the development of positive personality traits that underpins the success of children in the future. The tendency to self-assurance in the right conditions of life and upbringing, in parallel, diligence and hardworking, to complete the work undertaken, to develop a sense of responsibility for the work done, to find different ways to achieve the set goal, and so on serves as an initial incentive. Self-confidence is a natural psychological need of every person, including children whose personalities are in the process of formation. Meeting this need is very important for the formation of personality in the right direction. At the same time, it should be borne in mind that this need remains unmet, especially in the child's psyche, which can lead to trauma, a number of psychological phobias (e.g. sociophobia, etc.) and complexes (mostly incomplete complexes).⁴ Education, sports, art and other hobby activities are the spheres of children's self-assurance in the conditions of proper life and upbringing. Children receive excellent grades in their classes, participate in sports competitions and achieve success in painting, literature, sculpture, etc. creative work, such as collecting, blogging, etc. All these factors act as the initial and basic conditions for the satisfaction of the child's self-confidence. Moreover, the main features of these spheres are that they correspond to the age, mental and physical capabilities of the child, and most importantly, they are legal, i.e., allowed by law. Satisfying a child's sense of self-worth in these areas is just as good for his or her mental development as it is for the child not to have problems with the law (not to commit offenses). Dissatisfaction with self-confidence in areas of public interest encourages juveniles to commit

⁴N.V. Krasilnikova, "Problems of legal psychology of juvenile offenders, Norma, The law, Legislation, Right", *Materials of the XIII All-Russian scientific-practical conference of young scientists*, Perm, April 28-30, 2011, p.286.

illegal acts, commit minor offenses, and sometimes even commit crimes. Therefore, when studying the identity of a juvenile offender, it is very important to determine whether he has a problem with self-assertion.⁵

2) The desire to show one's superiority and difference over others is paradoxical, but in reality it is stimulated by the fear of being weak, of looking weak. Adolescence is a time of a special competition. During this period, as a result of hormonal processes in the bodies of both girls and boys, certain changes take place in their bodies, girls become more beautiful, women's bodies begin to form, boys grow taller, their backs bend, muscle mass increases, their voices thicken, both girls and boys are moving towards sexual maturity.

At this age, testosterone, the male hormone in boys, almost peaks, and it is the hormone responsible for aggression and force, among other effects. The developmental process that takes place in a child's body during adolescence also affects their psyche. Children themselves realize that they are changing for the better physically, and as a rule, the child's psyche thinks that this process will be permanent. Children think that the body's physical capacity will increase on a regular basis, and this feeling gives them self-confidence.

Changes in children's bodies also arouse their interest in certain competitions, for example, boys tend to find out who is taller, who is stronger, and girls discuss who looks better. It is not right to connect a child's puberty with physical development alone. It should be taken into account that during this period, the intellectual development of children is significantly accelerated, and the intellectual potential of children increases significantly. Although the ability to make better decisions in specific situations is not yet fully developed due to lack of life experience, during this period children are able to perceive more information, read more, and acquire new knowledge. These factors can also create some competition among children in the intellectual sphere. As long as it does not yield negative results, competition in both physical development and mental and intellectual development can be considered a normal, stimulating manifestation of children's puberty.

However, in cases where it turns into deviant behavior, this phenomenon can lead to negative consequences, including the commission of a crime. It has been known from many years

⁵T.I. Lyzen, "Psychology of a juvenile offender Problems of modern Russian law", *Materials of the International scientific-practical conference of students and young scholars, dedicated to the memory of Professor I.Ya. Duryagina*, Chelyabinsk, May 14-15, 2010, p.105.

of experience that the desire to show one's superiority over others leads to hooliganism among children, intentional or negligent damage to health, extortion (usually against their peers or minors), and so on creates a negative basis for the commission of such crimes;

3) Haste for growth is one of the specific manifestations of children's puberty. During this time, children begin to realize that they are growing up, they feel that they are no longer treated like children, they are asked to do some things that their parents haven't trusted before, they can come home later, they can watch TV longer at night, more pocket money is given to and so on. Children like this all.

In other words, children begin to see the advantages of growing up in adulthood, but these advantages are distorted in their minds. Because children are free to be free and independent in all their actions and decisions, to act as they wish, to earn money and spend it as they wish, to be able to drive a car, to drink alcohol, etc. on the basis of such external and distorted determinants. During this period, children do not often realize that their parents' difficulties in maintaining and sustaining them, the responsibilities they feel in managing the family, and growing up cause a lot of care.

The main feature that attracts children to adults is that they are free and independent, and the actions they can take are, according to children's imagination, unlimited. Such thoughts often motivate children to imitate the actions of adults. In their distorted thinking, the external reasons for adults' behavior are considered to be the main reason for growing up: for example, boys think that if their father, uncles, etc. can smoke, drink vodka and drive a car because they are big, they will grow up if they do the same things. Then children look for ways and means to implement these, which are not always legal. As a result, drunk and disorderly damage to health, hijacking without the purpose of looting, etc. are all a basis for such criminal behavior.⁶ Similarly, girls try to keep up with young girls, who have reached the age of majority, have their own income, start a family, and so on, they like to dress like them, they like to wear make-up, they like the accessories they use, and just like boys, they look for ways and means to satisfy these desires, and unfortunately these ways are not always legal. For example, in practice, it is more common for girls to steal some money to meet their needs in buying clothes and make-up.

⁶T.V. Serebryakova, *Psychology of juvenile behavior*, Monograph, Michurinsk 2010, p.17.

4) Psycho-emotional instability is one of the most obvious manifestations of puberty. As mentioned earlier, against the background of the significant impact of hormonal processes in the body, the characteristics of children's thinking, ethical and moral values, emotions are not stable during this period.

It is a period when a person begins to be self-aware and self-seeking, so in this period, children are exposed to various currents, movements, associations, etc., they tend to compare their thoughts with their outlook on life and join them when they feel close. During adolescence, self-esteem, unreasonable pessimism, and short-term depression are common. The instability of the emotional background has a direct impact on the instability of the child's behavior and in some cases is the cause for various crimes committed by children.⁷ The struggle against child trafficking and their sexual exploitation through the application of new technologies must be approached comprehensively. Laws prohibiting child trafficking and all forms of their sexual exploitation should be accepted. Responsibility is provided for the turnover of child pornography in the criminal legislation of Azerbaijan.⁸ The main efforts of forensic prevention are aimed at determining the causes and conditions of juvenile delinquency, as well as its environment and lifestyle. Thus, Articles 429.0.2 - 429.0.3 of the Criminal Procedure Code of the Republic of Azerbaijan state that the living and educational conditions of a minor, the level of physical, intellectual and mental development must be determined. Preventive action in the case of a juvenile shall be carried out by the authorized person conducting the investigation on the basis of a presentation made after a thorough examination of the circumstances that led to the commission of the crime, in particular. In our opinion, it would be appropriate to emphasize the importance of the study of information about the identity of a minor from a forensic point of view as follows: obtaining the necessary information to ensure the successful detection of crimes; selection and application of more effective methods in the investigation of crimes; search for a person who escaped from the investigation and judicial authorities; taking preventive measures on crimes committed by minors.

⁷T.I. Lyzen, Ibid, p.435.

⁸Hikmet Eyvazov, "Reliable protection of children's rights in the virtual space", *Russian and world science: new challenges and the search for their solutions international scientific and practical conference*, Collection of scientific papers, November 25, Moscow, Russia 2018.

Conclusion

Based on the analysis, it can be noted that the forensic features of the investigation of crimes committed by minors are conditioned by a number of factors that necessitate the identification of these persons. Thus, first of all, it should be taken into account that the subject of crimes belonging to this category has a number of specific features - psycho-physiological and sociological differences arising from age. In addition, it should be noted that the existence of differentiated substantive (relevant articles of the Criminal Code) and procedural (relevant articles of the Criminal Procedure Code) cases on juveniles also affects the forensic nature of the investigation of these cases.

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