



Volkova L.A.

The criminal situation in determination of minors' criminal behavior

In the article there are considered the questions concerning problems of definition of the criminal situation concept and its psychological estimation. It is revealed that an important and insufficiently studied question is correlation of situational and personal determinants of the criminal situation.

Key words: *situation, criminal situation, determination of criminal behavior.*

Studying and interpretation of essence of situations of perpetration is spent by scientists-criminalists during more than two last decades; these are developments of L.G. Vidonov, N.A. Selivanov, I.M. Luzgin, N.P. Yablokov, researches in the sphere of judicial situations – V.K. Gavlo, L.M. Lukyanov. The idea of creation of the theory of situations is stated and developed by T.S. Volchetskaya [4].

Psychological researches spent in Russia, in which frameworks it is studied interaction of personality and the situation, basically are connected with motivation problems in a sphere of criminal legal proceedings and investigation technique. It is caused by that true motives and purposes of activity, which studying is extremely important for efficiency increase of criminalist recommendations, remain now out of the sphere of scientific researches. Having analyzed available literature, we have come to the conclusion that features of understanding of legally relevant situations as conditions of the criminal conflict course should be considered from the point of view of a situation analysis level.

As one of such attempts they can name five levels of the situation analysis of D. Magnusson, who suggested to distinguish: stimulus – some objects or actions; episodes – especially significant events having cause and effect; situations – physical, time and psychological parameters defined by external conditions (perception and interpretation of situation gives significance to stimulus and episodes); surroundings – generalizing concept characterizing types of situations; environment – the whole complex of physical and social variables of external world [3].

T. Shibutani pays great attention to meaning and definition of the situation; he has shown that the situation definition occurs by means of giving of meaning to objective situation [14]. Thereby it becomes subjective. The person's behavior is caused not so much by external environment as by his interpretation of this environment.

Semantically the term «situation» designates the whole complex of conditions and circumstances which create either relations, conditions, position [1]. In applied aspect the situation, according to T.S. Volchetskaya, is environment estimated by the subject for decision-making on its optimum transformation [5]. From cognitive positions the situation is a condition of components making it at a given time. T.S. Volchetskaya has distinguished and analyzed a number of important properties of all situations. Among



the considered properties there are concreteness, that is existence in concrete-defined existential frameworks; repeatability.

«Rather impressive number of situations develops under the influence of various social factors, results from either relations of subjects. Besides existential characteristics of the situation, the special role among its other forming components belongs, certainly, to the subject who is capable to transform by his actions the given situation into qualitatively new one» [5, p. 134].

The important characteristic of the criminal situation is its dynamics. Thus, L.V. Frank, for example, believed that initially there is some «protosituation» in which frameworks the criminal and the victim enter interaction and act according to own image of this «protosituation» [13]. Proper criminal situation can be the result of such interaction. V.Y. Rybalskaya [12] adheres to the similar point of view. She considers the criminal situation as a process of conflict of interpersonal interaction of the criminal and the victim having a number of stages. The crime becomes the culmination of this process.

The «crimegenes situation», «criminal situation» concepts are rather widely used in criminology. In criminological sense the situation is delimited from characteristics of the offender's personality, on the one hand, and from his act, behavior in the given situation, on the other. By means of the situation category the role and place of legal facts in the mechanism of legal regulation is precisely defined. From these positions function of the legal facts consists in fixing of legally significant situation. Occurrence of a legal fact itself testifies to presence of the legally significant situation that in turn allows to use a typical program put in the norm of the right, that is «to start in action» all mechanism of legal regulation [5].

According to I.S. Abbasova and N.V. Kruchinina estimation of the criminal situation can be made by research of correlation of the legal fact and a social situation. As authors mark, by means of the legal fact they identify the social situation, precisely designate it and fix in legal regulation. Besides, the legal fact is an original signal of presence (or absence) of either social legally significant situation. And, at last, the legal fact delimits the legally significant social situation from similar adjacent ones [1].

Thus, criminal situations unite actions of the criminal at various stages: it is preparation for a crime, directly criminal activity, actions of the criminal and other persons on destruction or concealment of vestiges of a crime. Proper criminal situation appears from the moment of beginning of actions of the subject of crime and represents an individual, concrete combination of some qualities and parties of elements of criminal activity. It exists in the form of the whole complex of psychological, social, material and other conditions.

The concept of the criminal situation by this time has already strongly affirmed in criminalistics and gradually starts to influence the decision of variety of scientific and practical problems. And the criminal situation isn't crimegenes though in most cases it arises on its basis and follows it in genesis of criminal event. The criminal situation can be considered as one of components in combination of continuously changing situ-



ations. Initial components will be in this case a great number of replacing each other various combinations of life and social situations. Such situations are far from being directly connected with the criminal situation.

In psychology there is the tendency to consider criminal behavior as a result of active interaction of personality and a situation. Thus within the limits of criminal-psychological and victimological researches the criminal situation is considered as interpersonal interaction with its specific features and laws. As a necessary condition of existence and dynamics of the criminal situation there act interconditionality of actions of the criminal and the victim. Each of them, responding to «pressure» of the situation (that is to acts of another), himself (as the situational factor in relation to another) renders «pressure» on him [2, 6, 7, 11]. And the basic emphasis is made on studying of the victim's behavior. While influence of situational factors on behavior of the criminal is only postulated.

In our research we used the approach offered by O.Y. Mikhailova [9] who, in turn, was based on the hypothesis of V. Michel [15] about so-called «strong» and «weak» situations. According to V. Michel, individual distinctions have the greatest influence in weak situations (considerable variations of individual distinctions) and least influence in strong ones (insignificant variations of individual distinctions). In reactions to «strong» situations the great role is played by situational variables, rather than the personal; reactions to «weak» situations are rather various that means the great role of personal variables.

Having used this method, O.Y. Mikhailova has offered an integrated index of estimation of expressiveness of situational determination of sexual aggression, including three group of signs: the objective signs of situation independent of cooperating subjects (here there can concern also actions of other persons); activity of the subject in creation and situation reorganization; victimness of the victim's behavior, its role in creation and development of the criminal situation [9].

In our research we believed that features of the situation define not only the quantitative, but also qualitative correlation of personal and situational factors in determination of criminal behavior. Various on «force» and psychological contents criminal situations are connected with various complexes of personal characteristics of the minor criminals who have committed sexual crimes. The conducted researches have allowed to confirm our hypothesis.

References

1. Abbasova I.S., Kruchinina N.V. Investigatory situation and time factor as its structural element // Criminalist problems of existential factors in the technique of crimes' investigation. – Irkutsk, 1983. – P. 57–59.
2. Antonyan U.M. The role of a concrete life situation in perpetration. – M.: ASRI of MIA of the USSR, 1973. – 72 p.
3. Burlachuk L.F., Korzhova E.U. Psychology of life situations. – M.: Russian pedagogical agency, 1998. – 263 p.



4. Volchetskaya T.S. Situational modeling in crimes' investigation: Abstract, dissertation, Candidate of Juridical Science. – M., 1991. – 23 p.
5. Volchetskaya T.S. Criminalist situology: the monography. – Moscow; Kaliningrad University, 1997. – 248 p.
6. Konisheva L.P. Personality and situation as determinants of aggressively-violent crimes / Violence, aggression, cruelty. Criminal-psychological research. – M., 1990. – P. 112–141.
7. Kudryavtsev S.V. Conflictological analysis of crime-generating situations / Violence, aggression, cruelty. Criminal-psychological research. – M., 1990. – P. 98–112.
8. Magnuson D. Situational analysis: empirical researches of correlation of exits and situations // Psychological journal. – 1983. – # 2. – P. 29–33.
9. Mikhailova O.U. Criminal sexual aggression: the theoretical-methodological approach / under the edition of P.N. Ermakov. – Rostov-on-Don: Publishing house of RSU, 2000. – 150 p.
10. Rean A.A. Judicial examination on rapes' affairs // Psychological journal – 1990. – V. 11. – # 2. – P. 74–81.
11. Rivman D.V. Victimological factors and prophylaxis of crimes. The manual. – L., 1975. – 154 p.
12. Ribalskaya V.Y. Victimological researches in the system of criminological development of problems of prophylaxis of crimes of minors // Questions of struggle against criminality. – M., 1980. – # 33. – P. 32–40.
13. Frank L.V. Victims of a crime and problems of Soviet victimology: Abstract, dissertation, Doctor of Juridical Science. – M., 1978. – 32 p.
14. Shibutani T. Social psychology: trans. from English – M.: Progress, 1974. – 535 p.
15. Mischel W. Introduction to personality. – 6th ed. – N.Y.: Hbj College & School Div., 1998. – 672 p