

**КРИМІНАЛЬНЕ ПРАВО, КРИМІНОЛОГІЯ,
КРИМІНАЛЬНО-ВИКОНАВЧЕ ПРАВО**

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*Sharashenidze Lasha**Vice-Rector, Tbilisi University**named after David Agmashenebeli, Tbilisi***CORRELATION OF INSTITUTES OF CRIMINAL GERONTOLOGY AND
PREVENTION OF RELAPSE**

The article investigates the correlation of institutes of criminal gerontology and prevention of relapse. It is noted that when aging, the number of mentally healthy people is reduced almost twofold: from 58.6% among juvenile offenders, to 27.3% among people over 50. At the same time, it should be noted that this significant decrease is mainly due to the number of people who suffer from chronic alcoholism. Under the influence of age, the number of persons with partial damage to the skull and vascular diseases, with mental disorders is increasing. Regarding psychopaths, oligophrenia and those who suffer from organic lesions of the central nervous system, their number among elderly criminals is lower.

Key words: crime, relapse, criminal, gerontopsychiatric analysis, recidivist

**Шарашенидзе Л. СПІВВІДНОШЕННЯ ІНСТИТУТІВ КРИМІНАЛЬНОЇ ГЕРОНТОЛОГІЇ
ТА ПРОФІЛАКТИКИ РЕЦИДИВУ**

У статті досліджено співвідношення інститутів кримінальної геронтології та профілактики рецидиву. Зазначено, що при старінні кількість психічно здорових зменшується майже вдвічі: від 58,6% серед неповнолітніх правопорушників, до 27,3% серед осіб, старше 50 років. При цьому, потрібно звернути увагу на те, що це значне зниження відбувається в основному за рахунок кількості осіб, які страждають на хронічний алкоголізм. Під впливом віку зростає і кількість осіб з частковими ушкодженнями черепа і судинними захворюваннями, з порушеннями психіки. Відносно психопатів, олігофренів і тих, хто страждає органічними ураженнями центральної нервової системи, то їх кількість серед злочинців похилого віку менше.

Ключові слова: злочин, рецидив, злочинець, геронтопсихіатричний аналіз, рецидивісти.

In criminology, one of the criteria for singling out certain types of crime is the age of criminals. But this criterion is still used insufficient – in accordance with it, juvenile delinquency has traditionally been singled out, recently – youth criminality, as the most significant and complex problem uniting the criminality of both minors and youth. In some works, juvenile delinquency is considered itself. By the way, there are some age categories that need close attention of the criminologist: people of middle age and advanced years, whose crime has not become the object of a well-founded, comprehensive and, mainly, independent study.

We would like to consider the scientific problems of the last age group, the least researched and the most specific, suggesting to combine them under the name «criminal gerontology». Gerontology, as it is known, is a complex science that studies aging phenomena of living organisms, including humans. Consequently, criminal gerontology has such a direction in criminologists' research, which studies the crime of people of advanced years. In our opinion, it should include a theoretical analysis of the state, dynamics, structure and causes of the criminality of advanced years people, the exclusivity of their personality, the causes and mechanism of their criminal behavior, and the prevention development of such behavior. The study of these problems is very urgent in the modern conditions of the democratization of our society and the humanization of all branches of public life, when a sympathetic, attentive, and merciful attitude towards people of advanced age who have violated the criminal law becomes an absolute necessity.

At the moment, the population aging process is taking place in all countries of the world, which significantly affects the demographic situation in the society, and leads to serious problems of an economic, social, political, moral, psychological, legal nature. It can be predicted that such a process will contribute to the growth of crime among people of advanced age, and this requires a solution to the whole range of issues that arise: the definition of criminal and correctional

labor policies for such persons in general and some of their categories in particular, individual prevention, including correction of punished, differentiation and individualization of the criminal, providing them with comprehensive social, including medical care, the use of measures for their resocialisation. The society should be ready to solve these problems not only from the humane point of view, but also in practical approach.

One of the starting questions of the criminological-gerontological research is the definition of age, according to which a person can be classified as an advanced one. In the medical and legal literature, this age is considered to be: for women – 55 years, for men – 60 years, which coincides with the retirement age. Outstanding Soviet psychologist B.G. Ananiev refers to men as of advanced age 61–75 years, women – 55–75 years, all older than this age – as to older people and long-livers¹. We believe that the age of a person, from which one should speak about old age, is not permanent and final for all scientific disciplines beyond the specific tasks which are main for researcher. For example, the branch of legal science, which studies the issue of pension provision for workers, should be guided by the appropriate retirement age.

Criminology, pursuing its goal, should bring down the lower threshold for older people, starting counting from 40–50 years. Firstly, some of the people, from 55–60 years old, and older women, among the criminals are insignificant and therefore do not cause significant interest. Secondly, the specificity of criminal behavior, especially those of advanced years, their lifestyle in general, especially those repeatedly convicted, is formed earlier – in 40–50 years, this relates to both men and women. This specificity, the most typical features of which we consider below, is manifested in the nature of criminal acts, social roles and statutes, communication and social ties, behavior during serving punishment and after release. In forensic psychiatry, which is close to criminology, to the late age group are included people over 50 years old². First of all, it is necessary to determine what is the crime of the elderly.

V.V. Tirskiy and M.V. Voitin (they also include those who reached the 50th anniversary) note that the proportion of persons of advanced years among criminals is relatively small and the older a person is, the less the crime rate. According to these authors, criminals over 50 years of age make up 6% of the convicts in the investigated region, and the structure of their crimes is unique: they are all convicted of only 17 articles of the Criminal Code of the RSFSR (89, 92, 144, 147, 103, 108, 109, 11, 112, 120, 130, 131, 158, 198, 206, 211, 218). Among them, 60% are for crimes against the person (attention is drawn to the absence of convicts under Articles 102 and 117 of the Criminal Code of the RSFSR), 10% for violence, 10% for crimes (against state and public property, 13% against the personal property of citizens, a large proportion were those who are accused of violating passport regulations and vagrancy³).

Thus, in the sample of V.V. Tirskiy and M.V. Voitin violent crimes predominate, although not very serious. According to our information, violent crimes constitute a smaller (about 30%) share, and most of them are thefts, embezzlement, vagrancy. In this case, it is necessary to highlight the prevalence of petty theft and embezzlement. There are people guilty of major embezzlement, but their share in the quantitative measurement is insignificant, although the damage caused by their actions is very weighty. As a rule, such people play the role of the organizer of the crime.

It is interesting to compare the data given in the two studies mentioned above with information on the crime of people of advanced years in other countries and in other historical periods, such as the last century, conducted by A. Aschaffenburg. According to these data, the most common crimes among men of this age group were cases of causing «grievous bodily harm» and ordinary theft, while the second of these groups of crimes («causing injury») is half the size of the last two. Among the women of advanced years, the most common are the usual theft. T.A. Aschaffenburg emphasizes the insignificant number of thefts committed by men and women of advanced age (over 50).

M.N. Terket cites the following characteristics of the criminality of people of advanced years, provided by the Russian criminologist Nekliudov: «Old age (50–60 years) is more prone to bribery, violation or damage to someone else's property and to the deportation of children who are in charge or parental control of this person. Aging (65 years and above), as the period of the distribution and decline of all the forces of the organism, does not have any inherent crimes: it is at this age are the least rates, and the propensity to commit crimes has reached its minimum»⁵. In his statistical studies of crime in Russia for the years 1897–1903. M.M. Gernet refers to older than 60 years as to elderly persons, with respect to them emphasizes that the greatest number of crimes committed by them are expressed in violation of the regime of management, thefts and injuries, with the latter in two times more. About crimes against the regime of management Gernet wrote that «from the elders steal mostly single people: married and widowers have the support of their family. Single old people are in more difficult material conditions: 27.2% of them are convicted of begging, wandering and the like, while the family elders make up only 2.2% of those convicted for these crimes. Keeping and acquiring stolen goods, destroying and damaging property are also crimes of the elders.»

Comparing all these data, we come to the conclusion that most of the crimes of people of advanced years are not violent, and if they are violent, they are not usually the most serious. The bulk is self-serving crimes and crimes of a disadaptive nature (vagrancy, begging, violation of passport rules).

There is no doubt a significant decrease in the criminal activity of this age group. V.V. Tirskiy and M.V. Voitin give some explanations for this phenomenon:

- a) the physical impossibility of carrying out crimes – illness, lack of physical strength, etc;
- b) the achievement of a certain level of consciousness in connection with the accumulation of a significant life experience;

c) the lower coefficient of «survival of former criminals».

Agreeing with the above evidence, we consider it necessary to name other:

a) a decrease in the psychological, including intellectual, abilities of older people, which is especially characteristic of repeatedly convicted repeat offenders, who usually suffer from alcohol and drug addiction;

b) crimes of persons of this age, with the exception of major thefts, are usually very quickly disclosed and the perpetrators are liable, which prevents them from completing new ones;

c) the majority of criminals of advanced years «get tired» of committing crimes and the long-term stay in places of deprivation of freedom connected with this. Only because of this, they stop the criminal activity, and not because they were reformed or re-educated.

A rather interesting picture is represented in the recurrence of crimes among people of advanced age. In general, according to the sample data we have, the proportion of repeaters in this age is significantly less than in another age group. However, among the elderly, a large proportion of those convicted repeatedly: one in three of those who have nine or more convictions is older than 50 years. As the number of convictions increases, the weight of those who have a corresponding number of convictions constantly increases. Many times convicted repeat offenders among women are little more than men. Very often repeaters occur among people who are constantly engaged in vagrancy. Many of them are held accountable for the implementation of petty thefts. It must be said that the commission of crimes by these persons constitutes an integral, organic part of their way of life, in fact, their criminal-punishable, homeless parasitic existence is their way of life. Committing property crimes is a way of supporting such an existence.

Thus, maladjusted behavior due to exclusion from normal connections and relationships, constant participation in work and the transition from place to place is a characteristic feature of the jailbird of advanced years. The study of individual stories of such persons shows that such behavior is not at all random for them, and its roots must be sought in their early childhood. The fact is that, without exception, all such offenders were brought up in troubled families, whose unfortunate situation was expressed in the fact that they did not have emotional contact with their parents. They were psychologically, and sometimes physically, «thrown out» of their families. Since they did not properly socialize in the parents' family, this determined their disadaptation, and in the future, inability to live in their own family, the inconsistency of working in a team, the support of friendly ties, etc. A systematic vagrancy, a homeless, antisocial existence begin to narrow down and even completely violate public useful links, which is very noticeable in old age, when the set of social roles and statuses becomes extremely poor, their social extinction very often outstrips the physical.

This allows us to determine the initial approaches to the study of the personality of the criminal of advanced years. And it turns out to be a necessary condition for studying the criminality of people of a given age and ascertaining the cause of their criminal behavior. The latter we see in the fact that such behavior can not be adequately studied only on the basis of the statement of certain features of their personality, fixed at the time of analysis. What is established by research on this time fragment of an elderly person's life is a fact that has nothing to do with his previous life, including childhood and adolescence and subsequent stages, which we tried to demonstrate with the example of maladjusted offenders. The analysis of the criminologist⁸, that is the emphasis on studying the entire life path of a person in an unbreakable unity with the social conditions of their formation and development, becomes an inalienable prerequisite for the success of knowing the causes of criminal-punishable behavior.

Theoretical interpretation of individual observations on the basis of combining common features allows to create a holistic picture that explains such behavior. The fact that the actions of criminals of advanced years are largely influenced by characteristics of this age (including psychological, mental anomalies and somatic diseases, the general decrepitude of the organism) does not at all deny what has been said. The fact is that all these old changes are «overlap» not on a qualitatively new personality (and through it predetermine the corresponding behavior), namely the one that was formed throughout the entire previous life.

Actually, we have already separated one type of personality of the criminal of advanced years—they are de-adapted, desocialised persons, the leading feature of which is that they inactively express to society the beliefs and orientation realized by their behavior. On the contrary, in their mass, such persons are passive, inclined to «go with the flow», actually leaving society, and committing by them selfish crimes becomes a means of supporting such leave. Therefore representatives of this type should be referred to «asocial» personalities. Characteristically, being in prison after criminal punishment, they tend to be at low levels of the social-psychological hierarchy of the convicts' environment, which also indicates their maladjustment. Some of them, suffer from chronic illnesses, dementia, do not fulfill the requirements of personal hygiene, feel hostile attitude from other convicts. The prospect of their actual correction and re-education seems very doubtful. After liberation from punishment, as well as a largely subjective inability to normal life, lack of necessary habits, they usually continue to lead a maladjusted existence and are again brought to criminal responsibility. But do not think that among the repeatedly convicted of advanced years there are only such desocialised persons. The study of this process shows that among these repeaters very often appear really dangerous criminals who constantly commit serious crimes - mercenary and violence. They have strong leadership abilities and are often led by organized criminal groups. Of course, all these people enjoy considerable authority among other criminals, perfectly adapted to the antisocial environment. They maintain their high informal status even during the stay of punishment in places of deprivation of liberty, their leading moral and

psychological trait is an active opposition to society and rejection of its demands. From here – a negative reaction to all educational efforts.

Among the self-serving criminals of advanced years, those who turn out to be the thieves of state property in significant amounts attract attention, as it has been already pointed out, they are relatively few. By their personal abilities, significant experience, long criminal activity, the presence in this regard of leadership abilities, they constitute an increased social danger. Among such plunderers, there are often people who have as the leading characteristic, as shown by psychological research, the unshakable nature of emotions and relationships, tirelessness in achieving the goal, views and outlook, behavior and life positions. Deepening creates a high level of harassment and increased self-esteem. We can say that they have an increased subjective sensitivity (susceptibility) in all cases that violate their personal interests. They are different by suspiciousness and together with this tendency to risk, but only justified, in which they are helped by a great deal of life experience, they can only be kept from it in the moment of change in activity, but by making decisions, they consistently bring things to completion.

The plunderers of this category have good adaptability, because they are guided by social norms and requirements, including informal ones, they know how to establish connections and control their behavior. For them, the theft of material means is not a game and they try to do everything to prevent exposure. They have the most developed tendency to leadership, domination, management of the environment. Their criminal activities of carrying out large-scale thefts are often combined with bribery.

Those who commit crimes to ensure the material and spiritual values of their family and its individual members are also implicated in the group of the plunderers of advanced years. Very often such people lead a modest way of life, not allowing any redundancy, for long years of work have gained authority, are very attached to the family, especially to children and grandchildren. For most of them, as studies revealed, characterized by the presence of psychoasthenic traits, that is, increased responsibility, easily arising feelings of guilt, self-doubt and uneasiness. Psychologically, these are contradictory combinations: such people quickly fall under the influence of more authoritative and resolute individuals who using the easy emergence of the first, a sense of guilt, are able to fully control their behavior. Such features, as a rule, are endowed with their wives, without which they do not imagine their existence.

Representatives of this type usually more are under the influence of the wife and are not able to independently solve more important issues.

Such relationships arise, of course, not in old age, but much earlier and gradually acquire development during the course of a common life. Already at the beginning of the formation of the family, the husband extremely appreciates the wife and afraid to leave her, because his adaptation is completely based on the wife's ability to solve all the problems for him. If the husband does not have the opportunity to provide the wife's demands with socially permitted means, he can commit a crime, fearing losing his wife. There is a real possibility of direct pressure of the wife on the husband in committing crimes. Finally, this type of relationship is fixed, becomes a habit, a norm, a basis of family relations and unspoken rule of spouses behavior. Analysis of the special aspects of the criminals of advanced years will be incomplete if one does not address the psychiatric aspects of the problem. We have in mind personal characteristics and characteristics regarding the behavior of these criminals, which are formed under the influence of mental abnormalities (not excluding the normal mental condition). In connection with this, it is necessary to emphasize that recently gerontological psychiatry is actively acquiring development and has emerged as an independent branch of clinical psychiatry. E.Ya. Sternberg stipulates this phenomenon as an increase in the practical importance of studying the mental illnesses of older people and the interest that arises in the process of studying them, as the number of elderly people who turn to psychiatric institutions is growing. The main reason for the growth of mentally ill at this age is the increase in the proportion of people of this age in the total mass of the population⁹.

According to E.Ya. Sternberg, the main methodological conclusion, taking into account the current state of gerontopsychiatric studies, is that the study of individual clinical questions should be carried out in close connection with the study of a number of general aspects of psychiatry, that is, those general pathological patterns that have their clinical manifestation in the mental illnesses of elderly people. For another thing, because of the insufficiently outlined nosology and incomplete systematics of the subject of gerontological psychiatry, the implementation of clinical research in this industry must necessarily be comparative¹⁰. This situation is of current importance for criminological and gerontological research. Indeed, all the work in this field should be correlated both with the general-curriculum achievements and with the results of studying the criminal problems of other age groups. The latter is important in the sense that there are various mental anomalies that have a criminogenic role in old age, appear much earlier and including the youth.

A comprehensive study of criminals (with the participation of psychiatrists) revealed that when aging, the number of mentally healthy people is almost twice less: from 58.6% among juvenile offenders, to 27.3% among persons over 50 years old. At the same time, it is necessary to pay attention to the fact that this significant decrease occurs mainly due to the number of people suffering from chronic alcoholism. Under the influence of age, the number of people with partial damage to the skull and vascular diseases, with mental disorders increases. In the case of psychopaths, oligophrenics and those suffering from organic lesions of the central nervous system, their number among criminals of elderly years is less.

As forensic psychiatrists point out, referring to the results of forensic psychiatric practice, over the last decade, amid

a general increase in the number of people sent to forensic psychiatric examination in connection with criminal cases, the number of people over the age of 50 has increased more than in two. Among those who have passed through forensic psychiatric examination, there is a tendency to unceasing domination, as far as the transition to older age groups, not susceptible to the sane, that is, growth is not at the expense of those who have some or other signs of mental disorders, but for the account of the mentally ill, both in medical (clinical) understanding and in the legal sense. Most patients develop cardiovascular, gastrointestinal, pulmonary and other diseases, which not only creates a favorable somatic basis for the development of mental disorders, but also causes certain difficulties for social adaptation. If compared with patients of other age groups, then gross socially dangerous actions against life and health by elderly people (including by incompetent) occur twice as often as petty thefts, vagrancy, violation of passport rules. In most cases, public dangerous acts are committed under the influence of intoxicants.

According to M.E. Kuznetsov, among those who underwent forensic psychical examination in criminal cases, those aged over 50 years were 6.6%. Among them, 22.7% were considered incompetent, while the same indicator for the study of all age groups does not exceed 10%. As the age of a person increases, the proportion of persons recognized as not subject to probation increases. According to the total number of people surveyed (taking into account the incompetent), people with mental disorders of vascular and alcoholic genesis, organic lesions of the central nervous system and schizophrenia often commit dangerous actions against the life and health of citizens. For patients with epilepsy, involutionary (senile) psychoses and psychopathy, the most common are violations of public order, and for persons suffering from traumatic brain injury consequences, illegal acts of mercenary nature.

A fairly common violation of the psyche among criminals of advanced years is considered cerebral atherosclerosis. According to Yu.D. Krivoruchko, among those who are over 60 years old, who have undergone forensic psychiatric examination to resolve the issue of non-applicability, patients with cerebral atherosclerosis constitute a significant part – 72.2%, of which in the majority are considered sane. At a neurosis-like level of this disease, there is sufficient subjective preservation, including pre-immobilized («painful») antisocial attitudes, it is no coincidence that 77% of crimes committed by them corresponded in their composition to those criminal-punishable actions that were observed before the development of the cerebral atherosclerosis. For the psycho-like level of the disease, the leading clinical manifestations are disorders of the excited and hysterically-excited variants. By the way, with the development of hysterically-raised disorders, arise such personality changes as stubbornness, pedantry, stinginess, selfishness, suspicion. Often there are unstable, overvalued ideas of loss, jealousy. Patients became difficult for others, often family and household adaptation was disturbed.

In all cases, which Yu.D. Krivoruchko considered, despite the revealed personal changes and signs of intellectual decline, for the designated individuals, the ability to establish logical connections, the correct practical orientation in life situations, the full critical interpretation of the latter, the understanding of the wrongfulness of one's actions and the punishment for what was committed, and the observance of the socially formed personal installations. Yu.D. Krivoruchko proves that with the development of cerebral atherosclerosis, the genesis of criminal actions reduces the influence of social factors and the importance of mental disorders increases. To the increase of the social danger of such criminals, in particular, alcoholization and premorbid characterological features¹¹.

The criminal behavior of persons of advanced years is significantly affected by the spread among them of alcoholism. Studies have shown that the common for them is a long-lasting, for decades, abuse of alcoholic beverages, and with subsequent aging – a decrease in resistance to alcohol. No case of the onset of alcoholism in old age was detected. The state of alcoholic intoxication in these persons is accompanied by suppression, affective tension, malice, irresponsibility, paranoid mood, external unmotivated cruelty, fuzzy orientation. Personal changes were manifested in narrowing the circle of interests, reducing memory, criticism, primitive reasoning. Carelessness and apathy changed with violent affective reactions under trifling circumstances. The degree and pattern of the decline of mental activity is predetermined not only by chronic alcohol intoxication, but also by the nature of vascular changes. According to selected data, among the number of alcoholics surveyed, 43.8% committed murders and caused serious bodily harm (victims – mostly those with whom the perpetrators were in close contact), 23.3% – violence and resistance to authorities, 11.0% – theft, 9.6% – arson, 8.2% – sexual crimes¹².

Geronto-psychiatric analysis of the condition of criminals of advanced years allows us to draw some conclusions:

- 1) a significant mass among them are people with mental (within the limits of sanity) disorders;
- 2) the most common anomalies among this category of criminals is alcoholism, partial manifestations of the consequences of craniocerebral trauma and the disturbance of vascular genesis;
- 3) there is an opportunity to establish some correlations between a variety of criminal behavior and the nature of a mental anomaly.

Consequently, violent crimes are most often committed by offenders with personality disorders of a mental nature. All these circumstances are considered to be most significant with respect to the characteristics of this group of criminals. The basis of the corresponding activity is considered to be the solution of major social problems aimed at raising the standard of living of a person, expanding and enriching the sphere and the quality of the help and services rendered to them, raising the social standard of living, and democratization. Preventing crimes on the part of these individuals, given their age, their accompanying physical and mental disorders, desociality, the alienation of some of them, must be imbued with the idea

of humanism.

First of all, this concerns the appointment and execution of criminal penalties, the adoption of the necessary measures to re-socialize such persons after their release, and their involvement in normal life. Age and the accompanying subjective circumstances should be taken into account when deciding whether to initiate criminal proceedings, although, usually, these factors should not be grounds for refusing to initiate them. However, they can be considered as mitigating circumstances in the appointment of a criminal penalty. At the trial of criminal cases on crimes committed by persons of advanced age, the participation of a lawyer is an important factor, because the intellectual decline of many of them, various anomalies and illnesses significantly hamper them in protecting their legitimate rights and interests. For the same reason, it is also desirable to conduct forensic psychiatric, and even better – complex forensic psychological and psychiatric examinations¹³ for many of them. The latter viewpoint has to do with those who have long been antisocial. In such cases, the court is often inclined to see the cause of prolonged unlawful behavior in the «evil will» of the defendant and usually does not set itself the goal of revealing the true subjective causes of such behavior. At the same time, the bodies executing criminal punishment are disoriented. In this regard, the purpose of a comprehensive psycho-psychiatric examination is the establishment of conditioned reasons for the court to take them into account when deciding whether to impose punishment.

It is necessary to analyze separately the question of the correction and re-education of the convicted elderly. Firstly, we note that the court must determine such a place of serving the sentence (if deprivation of liberty is meant), which would correspond to the goal of correctional labor education. First of all, we mean that punishment should take place in such geographical, climatic conditions that would lead to an improvement in the health of criminals, contribute to the preservation or restoration of its related and other socially useful links.

Some researchers raise the issue of «creating in the future specialized places of serving punishment for the «old». It's no secret that as a rule the elderly people behave differently, unlike young people, in places of deprivation of liberty, and have other perspective orientations. Specialized places of serving criminal punishment for them do not require, for sure, strong military protection, but require, as necessary, additional medical staff and care staff. Soon there should be homes for the elderly who would be destined for criminals of advanced years and disabled, they would be protected and replaced with their places of serving criminal punishment. Repeaters and especially dangerous once, regardless of age, as before, must be kept separate from the first convicts.

These proposals really deserve discussion, and I would like to make a number of comments and clarifications.

Firstly, if the homes of disabled and elderly people who are protected will be created, then only those who have committed crimes for the first time who do not have a significant public danger but whose isolation from society is needed must be sent to serve their sentences. In another case, they can be sentenced to a punishment not related to deprivation of liberty.

Secondly, repeaters and especially dangerous once really should serve their sentence on a general basis. The exception is those who are first convicted, or engaged in vagrancy and begging. Such persons must, apparently, be sent to the homes of disabled and elderly people who are protected.

Thirdly, probably not all those whom we consider to be abusers of advanced years, the elderly or disabled. Therefore, they must serve their sentence on a general basis. In general, to properly solve all the problems discussed here, a comprehensive scientific classification (or typology) of criminals of advanced years is needed.

Data on the composition of convicted persons by age and by their efficiency in the CEL (Criminal-executive law) are given in table YAD.4-YAD.7.

Older criminals serving sentences in places of deprivation of liberty must be provided with medical assistance, and also provided with affordable labor in accordance with their age, health, qualifications, interests. It is necessary to stimulate their participation in the work of amateur organizations of convicts, to apply measures to preserve or restore related ties, with the work collective so that the resocialisation of these individuals upon return is successful. The latter, as evidenced by experience and numerous studies of criminologists, has for them a special independent significance, because many of them, upon their return to freedom, begin (or continue) to lead a homeless existence.

Note that, in addition to the above, it is very important that each released person should have the necessary documents with him, for example, to receive a pension, admission to the disabled and elderly home, etc. It is advisable to take care of a preliminary agreement with relatives if the released person can live with them. In some cases, while working, the agreement can be formalized with the administration of enterprises and institutions.

The problems of criminal gerontology are quite diverse and hard. They need further scientific research, testing their results in practice. This is an important social task, and it must be solved by every possible means that our society has.

Practical experience, testing and individual work with people of advanced age give the right to make a conclusion about the need to pay more attention to the problems of social adaptation of those released from places of serving punishment.

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КРИМІНАЛЬНО-ПРАВОВА ХАРАКТЕРИСТИКА ОБ'ЄКТА І ПРЕДМЕТА НЕЗАКОННОГО ЗБАГАЧЕННЯ

У статті розглядаються особливості об'єкта та предмета незаконного збагачення як одного із злочинів у сфері службової діяльності та професійної діяльності, пов'язаної з наданням публічних послуг. Проаналізовано різні підходи до кваліфікації об'єктів злочину, визначено загальний, родовий та безпосередній об'єкти незаконного збагачення. Висвітлено дискусійні питання у контексті основного та додаткового безпосереднього об'єкта злочину передбаченого ст. 368-2 Кримінального кодексу України. Досліджено різні точки зору науковців щодо поняття предмета даного злочину, з'ясовано його зміст та обсяг. На основі аналізу нормативно-правових актів досліджено поняття активів та їх розмір (вартість) у кримінально-правовому значенні.