

MECHANISM OF INDIVIDUAL CRIMINAL BEHAVIOR ***МЕХАНІЗМ ІНДИВІДУАЛЬНОЇ ЗЛОЧИННОЇ ПОВЕДІНКИ***

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Abstract. Crime is a broad concept that encompasses a phenomenon detrimental to society and the state, exerting a destructive influence on a range of social relations. It is not a secret that understanding and conscious perception of individual criminal acts are necessary for reducing crime, which is of great importance to the field of criminology. One of the most relevant issues is understanding the process of the emergence of criminal behavior in individuals, the essence of the determinative complex's influence on specific criminal offenses, the role of personal characteristics in future criminal behavior, and the impact of external circumstances on the emergence, existence, and development of criminal phenomena in individual behavior. The article analyzes the category of "mechanism of individual criminal behavior" and provides its own definition. It is established that the mechanism of individual criminal behavior consists of sequential stages. These stages include needs satisfied through criminal means, criminal thinking, and criminal will. It is argued that both internal and external factors influence the formation of each stage. Special attention is given to the factors influencing the formation of criminal thinking and criminal will, which ultimately lead to the commission of socially dangerous acts by individuals. It is argued that the stages of the mechanism of criminal behavioral acts cannot exist without objective-subjective factors. It is proven that in order for needs to be satisfied through criminal means, they must be actualized in corresponding situations. The study establishes that criminal will occupies a central place in the mechanism of criminal behavioral acts. Volitional processes are responsible for the actualization of plans and the transition from the individual's mental state to concrete actions. It is emphasized that criminal thinking serves as the foundation for criminal will. Special attention is given to the disclosure of the structure of volitional processes, including the establishment of purposeful behavior through thinking, the process of motivation, and the act of decision-making. It is argued that after the act of decision-making – the final element of criminal will – the presence of a psychophysical state of criminal behavioral act in an individual, namely criminal predisposition, can be observed, which should be considered as the basis and regulator of volitional behavioral acts, in our opinion.

Key words: crime; criminal behavior; mechanism of behavioral acts; criminal thinking; criminal will.

Criminological assessment of any type of crime is not possible without establishing the peculiarities of the offender's behavior before, during, and after the commission of a socially dangerous act. Such information allows law enforcement officials to determine the presence or absence of necessary elements of the objective and subjective aspects of a criminal offense and to choose the most effective and proportionate punishment. It should be noted that each type of crime is individual and determined by a set of characteristics and properties that distinguish it from others. In general terms, all the aforementioned information represents a specific mechanism of criminal behavior, which is an obligatory element of every criminological study.

The mechanism of individual criminal behavior has been studied by many scientists, such as O.M. Bandurka, O.M. Dzhuzha, A.P. Zakaliuk, O.M. Kostenko, O.M. Litvinova, and others. However, the aforementioned researchers did not study the mechanism of individual criminal behavior through the prism of the theory of criminal disposition, which allows us to emphasize the relevance of the chosen topic.

The author of the article sets out to explore the mechanism of individual criminal behavior through the lens of the criminal disposition theory.

The influence of social factors on the genesis and mechanism of criminal behavior is quite significant, and these characteristics are inherently objective. Moreover, these socially significant properties, in combination with external conditions (situation), influence criminal behavior. Therefore, the criminological study of these factors should be a comprehensive investigation of the complex problem of human beings and their activities. The task is to identify the characteristics that allow us to identify the closest causal relationships to criminal offenses and criminality for in-depth analysis, as well as to develop a future prognosis and preventive programs.

To achieve this, research from experts in fields such as psychology, sociology, psychiatry, pedagogy, and others should be utilized. The basis for such research should rely on the six main groups of characteristics presented in the works of criminologists: socio-demographic, criminal-legal, psychological and physio-biological characteristics, social manifestations in various spheres of life (social connections), and moral properties. This perspective is justified by the specific structural elements of the mechanism of individual criminal behavior. Since this mechanism is built on the internal, volitional characteristics of the offender, their mental processes, and physiological traits, the objective reality created by a favorable combination of external factors (such as choosing a convenient place and time of the offense, effective tools, etc.) takes a secondary role as it does not determine the criminal act but only facilitates its commission.

Certainly, social manifestations or social ties (positions) play a significant role in the mechanism of individual criminal behavior, as the importance of social status is heightened in various life situations nowadays. A person occupies certain positions and performs certain roles, each of which has its own meaning (role script). Without considering the social role in individual crime prevention, the influence of social connections and positions disappears, thus reducing the likelihood of achieving correction goals [1]. A person is a social being who coexists with and is directly dependent on others from birth. Initially, they receive knowledge and elements of upbringing from their family, and later, in kindergarten and school. All of this, including their immediate environment and their moral values, influences the formation of a unified personality with their own conceptions of good and evil, as well as the boundaries of acceptable behavior. Therefore, we believe that a person can commit an unlawful act only when, at a subconscious level, they believe that such behavior can occur under certain circumstances.

Therefore, we agree with those scientists who consider moral conditioning, motivation, specific life situations, decision-making regarding the commission of a criminal offense, and the process of committing a criminal offense (behavioral act) as essential elements of the mechanism of individual criminal behavior [2]. It is also interesting to note the opinion of O.M. Bandurka and O.M. Litvinov, who point out that in some scientific works, the elements of the mechanism of criminal behavior are identified or mixed up. However, it is not acceptable to agree with this because criminal behavior is a process that unfolds over time, and it is logical to identify specific stages or relatively separate time intervals in its development. Scientists write that the main elements of the mechanism of criminal behavior should include personal characteristics, motivation, specific circumstances, decision-making about committing a crime, and the process of committing it (behavioral act). These listed elements can be divided into two groups: components of the psychological structure of behavior (motivation and decision-making regarding the behavioral act) and the products of the interaction between the objective and subjective aspects in behavior (personal characteristics, specific circumstances, and the behavioral act). As for the interaction of these elements in the mechanism of criminal behavior, in most criminological studies, the main role in the structure of the studied system is assigned to motivation, which is considered the internal core of the genesis of this mechanism. Moreover, motivation is seen as both a process and a set of motivating factors. As a process, it represents an impetus for specific behavior involving formations such as needs, value orientations, personal characteristics of the individual, emotional experiences, etc., which form certain stages of the motivation process in its dynamics and interrelation. If, for some reason, the awareness of needs, goal formation, the choice of a specific way to implement the planned action, etc., become impossible, then the activity does not begin, and thus, the motivation remains in a potential state. In other words, if the process of motivation is not completed, and the impetus for specific behavior is not formed, the operational motivational guidelines present in a person will not be realized [3, p. 112]. Thus, it can be summarized that the mechanism of individual criminal behavior should be understood as a system of correlated algorithmic actions determined by favorable objective reality, a set of mental states and processes, as well as behavioral patterns sufficient to implement socially dangerous intentions. The mechanism of criminal behavior includes a combination of external (objective) and internal (subjective) factors under the influence of which a person develops criminal thinking and a criminal will to commit a socially dangerous act.

In the mechanism of individual criminal behavior, the first component is the need that is satisfied through criminal means. It should be noted that needs are the internal causes of most behavioral acts. As V.S. Medvedev asserts, "need is the desire for something that an individual lacks and is experienced as dissatisfaction, psychological deprivation" [4, p. 39]. According to A.F. Zelinskiy, the concept of need is considered from three aspects: <1) as a good that an individual needs; 2) as a personal property; 3) as the experience

of a need for something that triggers the search activity of the individual” [5, p. 57]. Furthermore, we can provide other definitions of “need” (Sh.O. Nadiarashvili, K. Obukhovskiy, D.M. Uznadze). Summarizing the above, we come to the conclusion that all the given definitions have common features, and therefore, a need should be understood as the state of the human organism, which, having a need for something, triggers the searching activity to satisfy it. Based on the above, a need is a state of the human organism.

D.M. Uznadze argues that it is necessary to distinguish between two main types of needs: substantial needs and functional needs [6, pp. 29–30]. According to A.F. Zelinskiy, needs can be classified as individual, group-oriented, and social (public) [6, p. 57].

We support the idea of American psychologist A. Maslow, who formulated a classification of human needs in the form of a pyramid, from lower to higher. The pyramid of needs by A. Maslow is the most commonly used and represents one of the most popular and well-known theories of motivation – the theory of hierarchy of needs. He asserts that at the base of the pyramid lie the innate physiological needs of a person for food, warmth. Next, according to him, come the needs for safety. Higher up, according to the author, are the needs for belongingness and love, followed by the needs for esteem. According to A. Maslow, the pinnacle of the pyramid is self-actualization needs, which involve the realization of one’s abilities and talents. For A. Maslow, it is axiomatic that a person embarking on the fulfillment of needs at a certain level must to some extent satisfy the needs of lower rank [7, pp. 370–396].

Furthermore, we assume that needs can be divided into those that are satisfied through criminal means (related to a person infringing upon legally protected values under the Criminal Law) and those that are satisfied through non-criminal means (not associated with a person infringing upon legally protected values under the Criminal Law). In turn, needs satisfied through criminal means can be divided into non-violent satisfaction (for example, causing financial harm to a person through theft or deception) and violent satisfaction (for example, causing death or bodily harm to a person).

Therefore, in order for needs to be satisfied through criminal means, they must be actualized in appropriate situations. Specifically, the needs satisfied through the aforementioned means can be supported by a situation of conflict between the victim and the offender, a recurring psychogenic traumatizing situation from the victim’s side, a situation of self-defense, an extreme situation, as well as situations that contain conditions facilitating the formation of criminal thinking and criminal will, and subsequently, the realization of criminal intent. As we can see, a person who commits a criminal act must always act in a specific situation, although there is no clear list of such situations. It is worth noting that the situation in which a person commits an unlawful act can have different degrees of criminogenicity: it can provoke, incite the commission of a criminal offense, or merely contribute to the commission of a criminal offense.

Thus, in the presence of a formed need supported by the necessary situation, the next stage of the mechanism of criminal behavioral act is activated – criminal thinking. It should be noted that criminal thinking itself cannot arise in a person. Every person has criminal thinking, but its level varies. This is explained by the fact that every person knows about the possibility of satisfying their needs through criminal means, but not everyone chooses and implements such a behavioral strategy. Therefore, we can conclude that certain factors (psychological, social, physical) influence the formation of criminal thinking. Thus, under the influence of certain factors, a different level of criminal thinking is formed in a person. These factors may include the level of upbringing, education, culture, the level of material well-being of an individual, and several others. For example, the level of education, in our opinion, influences the formation of a person’s life attitudes and interests. In particular, a low level of education and insufficient cultural development significantly narrow a person’s interests [8, p. 64]. A scholar like S. Baxter states that the more educated a person is and the higher the qualification of their work, the more characteristic peacefulness is for that person [9, p. 59]. The absence of the necessary body of knowledge simplifies a person’s view of life, deprives them of the ability to fully evaluate themselves and their capabilities, and also renders them more prone to a physiological perspective. Additionally, a no less important factor is a low level of material well-being, which is caused by unemployment and leads to a lack of life prospects, i.e., the inability to satisfy one’s material needs. This, in turn, triggers feelings of insecurity, anxiety, and fear for one’s existence. As a result, such feelings suppress all mental processes, the intellect, and give rise to unconscious fear [8, p. 79].

However, in order for one’s needs to be immediately satisfied through criminal means supported by the necessary situation, it is not enough for the individual to possess criminal thinking. Since the mechanism of a

criminal behavioral act is primarily driven by criminal volition, it is the volitional processes that are responsible for actualizing plans and transitioning from a psychological state to specific actions. It should be noted that during the volitional process, the criminal mode of active behavioral act is established and continuously analyzed as a purposeful way of thinking. Therefore, criminal thinking is a prerequisite for the formation of criminal volition in an individual. However, this does not necessarily mean that the individual fully possesses criminal volition, as other stages of the volitional process also influence its formation. Thus, certain factors influence the formation of criminal volition as well as other stages of the mechanism of a criminal behavioral act. According to A.P. Zakalyuk, these factors can be divided into three groups: 1) those that accelerate decision-making and its implementation (intense emotional distress, the state of alcohol intoxication, and others); 2) those that inhibit decision-making and its implementation (fear, anxiety, uncertainty); 3) those that simplify the perception of the significance and danger of the crime and one's own actions – alcohol intoxication, bringing oneself to hysteria, activation of psychopathy, other mental abnormalities, neuropathies [10, pp. 310–312]. Additionally, in our opinion, there are other factors that influence the formation of criminal volition in an individual, such as mood, stress, emotional tension, frustration, and others. For instance, stress is one of the factors that can influence the formation of criminal volition. Stress arises when there is a danger caused by a significant stimulus to which the individual has not previously formed an adequate reaction, but it must be found in the current situation [11, p. 101]. Moreover, in our opinion, stress can arise from various physical and intellectual experiences. Therefore, in a person experiencing stress, accompanied by a need, situation, and criminal thinking, criminal volition can be formed. Another factor is the state of affect, which is caused by an unexpected or very strong stimulus to which the individual cannot immediately adapt. Thus, the state of affect can arise as a result of an emerging conflict, as a result of long-term inattention to a request on the part of the victim, physical violence, etc. Consequently, this can lead to the formation of criminal volition.

It is also important to note that in order for a motive to form, an individual must overcome the internal “barrier” represented by the system of value orientations. As M.F. Holovaty states, value orientations are the most important elements of an individual's internal structure, shaped by the individual's life experience and encompassing the entirety of their experiences, distinguishing the significant from the insignificant. Value orientations are formed through the assimilation of specific social experience by the individual and manifest in their goals, beliefs, and interests, i.e., during the process of socialization [12, pp. 72–73]. Therefore, based on the individual's needs and beliefs, value orientation organizes and directs their social behavior, justifying the choice of the most rational ways and means of implementing their behavior. Furthermore, it should be noted that when determining the course of action, an individual relies on their system of value orientations, in which certain values are ranked higher than others and given preference over them. This, in turn, affects the motivation of the action, the selection of goals, and the means of achieving them. Thus, it can be assumed that each person has individual values, and what may be considered valuable by one person may be underestimated or not considered valuable by another person, making value inherently subjective. The above allows us to summarize that the absence of at least one component (needs, interests, impulses, emotions, values orientations) may indicate insufficient formation of a motive, which, in turn, can imply the absence of criminal behavior in the person's future.

After a person has formed a specific motive, they move on to the next element of the volitional process, namely the act of making a decision to commit a criminal offense. According to A.P. Zakalyuk, the act of decision-making represents a qualitatively new stage and indicates further growth of the person's social danger. He emphasizes that during the stages of forming an antisocial orientation, its deepening in a certain sphere of social relations, and even when a criminal motive matures, there are deformations of the person's character, mainly in the form of reflections, considerations, and thoughts. The stage of decision-making, however, represents a transition to action, specifically concrete and observable action [10, p. 307]. Moreover, decision-making is not merely a transition to a specific action; it is a process that involves awareness and comparison of factors relevant to the individual, choosing a course of behavior based on available information and potential consequences, and planning specific actions.

It should be noted that the decision-making process marks the conclusion of the discussion and struggle of motives, signifying the final establishment of a conscious goal. Thus, it is presumed that a person who commits a criminal offense may have multiple motives simultaneously, and the ultimate motive depends on which one proves to be stronger. This can be explained by the fact that since it is possible for the same behavioral act to

satisfy different needs, such an act can have both good and bad motives [6, p. 147]. Therefore, the decision that such an individual will make, regarding what action to take, depends on which motive ultimately proves to be stronger and prevails. In other words, there is a struggle of motives. Specifically, when a person needs to make a decision, their consciousness must inevitably be influenced by emotions that compel them to choose a particular decision. As emphasized by D.M. Uznadze, when a person makes a decision, it is not because something forces them to choose that particular decision, but rather because, for various reasons, that decision is advantageous to them [6, p. 146].

However, the process of decision-making itself remains somewhat unclear, and therefore, it is deemed necessary to draw attention to this process. In particular, according to D.M. Uznadze, this act of decision-making does not mature or prepare gradually but occurs suddenly, unexpectedly, and without preparation. As a result, feelings of helplessness and uncertainty ultimately transform into determination, confidence, and calmness (since, before making the decision, the person experiences a sense of helplessness and oscillation). The fact that the experience of making a decision is characterized in this way is evident from the very term “decision”, as it indicates that it interrupts the previous state and initiates an entirely new one, in which nothing is preserved from the previous state [6, p. 146].

Thus, we observe that the act of decision-making in the volitional process entails the experience of formation at the level of consciousness (it involves internal activity of the individual) of volitional behavior. As a result of this internal activity, the person develops an orientation toward the behavior that they experience as “I want”, and the content of their subsequent actions involves the realization of this orientation [6, p. 137]. Furthermore, as confirmed by Sh.O. Nadirashvili, the process of decision-making as an act of forming a specific type of orientation is not limited to conscious processes alone. It represents the preparation of the individual as a psychophysical unit for conscious behavior, providing a certain direction for the individual’s activity [13, pp. 263–264].

Based on the above, we can conclude that after the act of decision-making, which is the final element of criminal intent, we can speak of the presence of a psychophysical state of the individual’s criminal behavioral act – the criminal orientation, which, in our opinion, should be considered as the foundation and regulator of the volitional behavioral act. The achievement of a result by an individual is characterized by the flow of certain periods during the execution of mental activity by the individual. The will, as a process of conscious regulation of behavioral acts, serves as a means of achieving the result. Since the volitional process is characterized by the flow of certain periods, it is possible to identify the structure of the volitional process: the establishment of purposeful behavior through thinking, the process of motivation, and the act of decision-making. Criminal intent is derived from the concept of will, but by characterizing the will as “criminal”, we understand it as the conscious volitional process of regulating behavioral acts directed towards achieving a criminal result. The achievement of the result through this method is carried out by forming a corresponding motive – a motive that underlies motivation. The internal components of the individual (needs, interests, inclinations, emotions, values orientations) lead to the formation of one or several motives, in our case, positive and negative ones. The selection of one motive or another is finalized by the act of decision-making, the choice of which depends on the experiences and emotions the person has undergone. During the volitional process, we observe a transition from thinking to volitional activity. Thus, we can say that criminal thinking is the basis of criminal intent. Therefore, criminal intent cannot exist without criminal thinking. The aforementioned allows us to assert that criminal intent forms the motive and purpose of criminal wrongdoing, ensures the offender’s awareness of the societal danger of their actions, and initiates the criminal behavior of the individual.

The next stage is the preparation for committing a crime, which allows the offender to fully achieve the desired results. In this context, it is necessary to mention that during this period, objective factors play a crucial role in the mechanism of criminal behavior, such as selecting a convenient time, method, and location for committing the crime; finding reliable accomplices; gathering information about the potential victim, and so on. The absence of gaps in the preparation enables the offender to move on to the key moment – the commission of a socially dangerous act and the climax in the mechanism of criminal behavior – the concealment of evidence of the criminal offense.

As a result of our attempt to uncover the mechanism of individual criminal behavior, we have reached the following conclusions. The mechanism of criminal behavior consists of entirely sequential stages.

These stages include needs that are satisfied through criminal means, criminal thinking, and criminal will. Numerous external and internal factors influence the formation of each stage. These factors can be physical (air temperature, irritating sounds, silence), biological (inherited aggression, illness), social (family, upbringing, education, culture, socioeconomic status), and psychological (stress, frustration, emotional state, mood, alcohol intoxication). Therefore, we can state that these factors provide the basis for the actualization of needs satisfied through criminal means, as well as for the formation of criminal thinking and criminal will. Thus, the stages of the mechanism of criminal behavior cannot exist without these factors. The above makes it possible to say that the mechanism of individual criminal behavior must be considered through the theory of criminal installation.

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