

# **GEORGIAN MEDICAL NEWS**

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**ЕЖЕМЕСЯЧНЫЙ НАУЧНЫЙ ЖУРНАЛ**

Медицинские новости Грузии  
საქართველოს სამედიცინო სიახლენი

## GEORGIAN MEDICAL NEWS

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**GMN: Georgian Medical News** is peer-reviewed, published monthly journal committed to promoting the science and art of medicine and the betterment of public health, published by the GMN Editorial Board since 1994. GMN carries original scientific articles on medicine, biology and pharmacy, which are of experimental, theoretical and practical character; publishes original research, reviews, commentaries, editorials, essays, medical news, and correspondence in English and Russian.

GMN is indexed in MEDLINE, SCOPUS, PubMed and VINITI Russian Academy of Sciences. The full text content is available through EBSCO databases.

**GMN: Медицинские новости Грузии** - ежемесячный рецензируемый научный журнал, издаётся Редакционной коллегией с 1994 года на русском и английском языках в целях поддержки медицинской науки и улучшения здравоохранения. В журнале публикуются оригинальные научные статьи в области медицины, биологии и фармации, статьи обзорного характера, научные сообщения, новости медицины и здравоохранения. Журнал индексируется в MEDLINE, отражён в базе данных SCOPUS, PubMed и ВИНТИ РАН. Полнотекстовые статьи журнала доступны через БД EBSCO.

**GMN: Georgian Medical News** – საქართველოს სამედიცინო სიახლენი – არის ყოველთვიური სამეცნიერო სამედიცინო რეცენზირებადი ჟურნალი, გამოიცემა 1994 წლიდან, წარმოადგენს სარედაქციო კოლეგიისა და აშშ-ის მეცნიერების, განათლების, ინდუსტრიის, ხელოვნებისა და ბუნებისმეტყველების საერთაშორისო აკადემიის ერთობლივ გამოცემას. GMN-ში რუსულ და ინგლისურ ენებზე ქვეყნდება ექსპერიმენტული, თეორიული და პრაქტიკული ხასიათის ორიგინალური სამეცნიერო სტატიები მედიცინის, ბიოლოგიისა და ფარმაციის სფეროში, მიმოხილვითი ხასიათის სტატიები.

ჟურნალი ინდექსირებულია MEDLINE-ის საერთაშორისო სისტემაში, ასახულია SCOPUS-ის, PubMed-ის და ВИНТИ РАН-ის მონაცემთა ბაზებში. სტატიების სრული ტექსტი ხელმისაწვდომია EBSCO-ს მონაცემთა ბაზებიდან.

### WEBSITE

[www.geomednews.com](http://www.geomednews.com)

## К СВЕДЕНИЮ АВТОРОВ!

При направлении статьи в редакцию необходимо соблюдать следующие правила:

1. Статья должна быть представлена в двух экземплярах, на русском или английском языках, напечатанная через **полтора интервала на одной стороне стандартного листа с шириной левого поля в три сантиметра**. Используемый компьютерный шрифт для текста на русском и английском языках - **Times New Roman (Кириллица)**, для текста на грузинском языке следует использовать **AcadNusx**. Размер шрифта - **12**. К рукописи, напечатанной на компьютере, должен быть приложен CD со статьей.

2. Размер статьи должен быть не менее десяти и не более двадцати страниц машинописи, включая указатель литературы и резюме на английском, русском и грузинском языках.

3. В статье должны быть освещены актуальность данного материала, методы и результаты исследования и их обсуждение.

При представлении в печать научных экспериментальных работ авторы должны указывать вид и количество экспериментальных животных, применявшиеся методы обезболивания и усыпления (в ходе острых опытов).

4. К статье должны быть приложены краткое (на полстраницы) резюме на английском, русском и грузинском языках (включающее следующие разделы: цель исследования, материал и методы, результаты и заключение) и список ключевых слов (key words).

5. Таблицы необходимо представлять в печатной форме. Фотокопии не принимаются. **Все цифровые, итоговые и процентные данные в таблицах должны соответствовать таковым в тексте статьи**. Таблицы и графики должны быть озаглавлены.

6. Фотографии должны быть контрастными, фотокопии с рентгенограмм - в позитивном изображении. Рисунки, чертежи и диаграммы следует озаглавить, пронумеровать и вставить в соответствующее место текста **в tiff формате**.

В подписях к микрофотографиям следует указывать степень увеличения через окуляр или объектив и метод окраски или импрегнации срезов.

7. Фамилии отечественных авторов приводятся в оригинальной транскрипции.

8. При оформлении и направлении статей в журнал МНГ просим авторов соблюдать правила, изложенные в «Единых требованиях к рукописям, представляемым в биомедицинские журналы», принятых Международным комитетом редакторов медицинских журналов - <http://www.spinesurgery.ru/files/publish.pdf> и [http://www.nlm.nih.gov/bsd/uniform\\_requirements.html](http://www.nlm.nih.gov/bsd/uniform_requirements.html) В конце каждой оригинальной статьи приводится библиографический список. В список литературы включаются все материалы, на которые имеются ссылки в тексте. Список составляется в алфавитном порядке и нумеруется. Литературный источник приводится на языке оригинала. В списке литературы сначала приводятся работы, написанные знаками грузинского алфавита, затем кириллицей и латиницей. Ссылки на цитируемые работы в тексте статьи даются в квадратных скобках в виде номера, соответствующего номеру данной работы в списке литературы. Большинство цитированных источников должны быть за последние 5-7 лет.

9. Для получения права на публикацию статья должна иметь от руководителя работы или учреждения визу и сопроводительное отношение, написанные или напечатанные на бланке и заверенные подписью и печатью.

10. В конце статьи должны быть подписи всех авторов, полностью приведены их фамилии, имена и отчества, указаны служебный и домашний номера телефонов и адреса или иные координаты. Количество авторов (соавторов) не должно превышать пяти человек.

11. Редакция оставляет за собой право сокращать и исправлять статьи. Корректур авторам не высылаются, вся работа и сверка проводится по авторскому оригиналу.

12. Недопустимо направление в редакцию работ, представленных к печати в иных издательствах или опубликованных в других изданиях.

**При нарушении указанных правил статьи не рассматриваются.**

## REQUIREMENTS

Please note, materials submitted to the Editorial Office Staff are supposed to meet the following requirements:

1. Articles must be provided with a double copy, in English or Russian languages and typed or computer-printed on a single side of standard typing paper, with the left margin of 3 centimeters width, and 1.5 spacing between the lines, typeface - **Times New Roman (Cyrillic)**, print size - 12 (referring to Georgian and Russian materials). With computer-printed texts please enclose a CD carrying the same file titled with Latin symbols.

2. Size of the article, including index and resume in English, Russian and Georgian languages must be at least 10 pages and not exceed the limit of 20 pages of typed or computer-printed text.

3. Submitted material must include a coverage of a topical subject, research methods, results, and review.

Authors of the scientific-research works must indicate the number of experimental biological species drawn in, list the employed methods of anesthetization and soporific means used during acute tests.

4. Articles must have a short (half page) abstract in English, Russian and Georgian (including the following sections: aim of study, material and methods, results and conclusions) and a list of key words.

5. Tables must be presented in an original typed or computer-printed form, instead of a photocopied version. **Numbers, totals, percentile data on the tables must coincide with those in the texts of the articles.** Tables and graphs must be headed.

6. Photographs are required to be contrasted and must be submitted with doubles. Please number each photograph with a pencil on its back, indicate author's name, title of the article (short version), and mark out its top and bottom parts. Drawings must be accurate, drafts and diagrams drawn in Indian ink (or black ink). Photocopies of the X-ray photographs must be presented in a positive image in **tiff format**.

Accurately numbered subtitles for each illustration must be listed on a separate sheet of paper. In the subtitles for the microphotographs please indicate the ocular and objective lens magnification power, method of coloring or impregnation of the microscopic sections (preparations).

7. Please indicate last names, first and middle initials of the native authors, present names and initials of the foreign authors in the transcription of the original language, enclose in parenthesis corresponding number under which the author is listed in the reference materials.

8. Please follow guidance offered to authors by The International Committee of Medical Journal Editors guidance in its Uniform Requirements for Manuscripts Submitted to Biomedical Journals publication available online at: [http://www.nlm.nih.gov/bsd/uniform\\_requirements.html](http://www.nlm.nih.gov/bsd/uniform_requirements.html)  
[http://www.icmje.org/urm\\_full.pdf](http://www.icmje.org/urm_full.pdf)

In GMN style for each work cited in the text, a bibliographic reference is given, and this is located at the end of the article under the title "References". All references cited in the text must be listed. The list of references should be arranged alphabetically and then numbered. References are numbered in the text [numbers in square brackets] and in the reference list and numbers are repeated throughout the text as needed. The bibliographic description is given in the language of publication (citations in Georgian script are followed by Cyrillic and Latin).

9. To obtain the rights of publication articles must be accompanied by a visa from the project instructor or the establishment, where the work has been performed, and a reference letter, both written or typed on a special signed form, certified by a stamp or a seal.

10. Articles must be signed by all of the authors at the end, and they must be provided with a list of full names, office and home phone numbers and addresses or other non-office locations where the authors could be reached. The number of the authors (co-authors) must not exceed the limit of 5 people.

11. Editorial Staff reserves the rights to cut down in size and correct the articles. Proof-sheets are not sent out to the authors. The entire editorial and collation work is performed according to the author's original text.

12. Sending in the works that have already been assigned to the press by other Editorial Staffs or have been printed by other publishers is not permissible.

**Articles that Fail to Meet the Aforementioned  
Requirements are not Assigned to be Reviewed.**

## ავტორთა საქურაღებოლ!

რედაქციაში სტატიის წარმოდგენისას საჭიროა დაიცვათ შემდეგი წესები:

1. სტატია უნდა წარმოადგინოთ 2 ცალად, რუსულ ან ინგლისურ ენებზე დაბეჭდილი სტანდარტული ფურცლის 1 გვერდზე, 3 სმ სიგანის მარცხენა ველისა და სტრიქონებს შორის 1,5 ინტერვალის დაცვით. გამოყენებული კომპიუტერული შრიფტი რუსულ და ინგლისურენოვან ტექსტებში - **Times New Roman (Кириллица)**, ხოლო ქართულენოვან ტექსტში საჭიროა გამოვიყენოთ **AcadNusx**. შრიფტის ზომა – 12. სტატიას თან უნდა ახლდეს CD სტატიით.

2. სტატიის მოცულობა არ უნდა შეადგენდეს 10 გვერდზე ნაკლებს და 20 გვერდზე მეტს ლიტერატურის სიის და რეზიუმეების (ინგლისურ, რუსულ და ქართულ ენებზე) ჩათვლით.

3. სტატიაში საჭიროა გაშუქდეს: საკითხის აქტუალობა; კვლევის მიზანი; საკვლევი მასალა და გამოყენებული მეთოდები; მიღებული შედეგები და მათი განსჯა. ექსპერიმენტული ხასიათის სტატიების წარმოდგენისას ავტორებმა უნდა მიუთითონ საექსპერიმენტო ცხოველების სახეობა და რაოდენობა; გაუტკივარებისა და დაძინების მეთოდები (მწვავე ცდების პირობებში).

4. სტატიას თან უნდა ახლდეს რეზიუმე ინგლისურ, რუსულ და ქართულ ენებზე არანაკლებ ნახევარი გვერდის მოცულობისა (სათაურის, ავტორების, დაწესებულების მითითებით და უნდა შეიცავდეს შემდეგ განყოფილებებს: მიზანი, მასალა და მეთოდები, შედეგები და დასკვნები; ტექსტუალური ნაწილი არ უნდა იყოს 15 სტრიქონზე ნაკლები) და საკვანძო სიტყვების ჩამონათვალი (key words).

5. ცხრილები საჭიროა წარმოადგინოთ ნაბეჭდი სახით. ყველა ციფრული, შემაჯამებელი და პროცენტული მონაცემები უნდა შეესაბამებოდეს ტექსტში მოყვანილს.

6. ფოტოსურათები უნდა იყოს კონტრასტული; სურათები, ნახაზები, დიაგრამები - დასათაურებული, დანომრილი და სათანადო ადგილას ჩასმული. რენტგენოგრამების ფოტოასლები წარმოადგინეთ პოზიტიური გამოსახულებით **tiff** ფორმატში. მიკროფოტოსურათების წარწერებში საჭიროა მიუთითოთ ოკულარის ან ობიექტივის საშუალებით გადიდების ხარისხი, ანათალების შედეგების ან იმპრეგნაციის მეთოდი და აღნიშნოთ სურათის ზედა და ქვედა ნაწილები.

7. სამამულო ავტორების გვარები სტატიაში აღინიშნება ინიციალების თანდართვით, უცხოურისა – უცხოური ტრანსკრიპციით.

8. სტატიას თან უნდა ახლდეს ავტორის მიერ გამოყენებული სამამულო და უცხოური შრომების ბიბლიოგრაფიული სია (ბოლო 5-8 წლის სიღრმით). ანბანური წყობით წარმოდგენილ ბიბლიოგრაფიულ სიაში მიუთითეთ ჯერ სამამულო, შემდეგ უცხოელი ავტორები (გვარი, ინიციალები, სტატიის სათაური, ჟურნალის დასახელება, გამოცემის ადგილი, წელი, ჟურნალის №, პირველი და ბოლო გვერდები). მონოგრაფიის შემთხვევაში მიუთითეთ გამოცემის წელი, ადგილი და გვერდების საერთო რაოდენობა. ტექსტში კვადრატულ ფხიხლებში უნდა მიუთითოთ ავტორის შესაბამისი N ლიტერატურის სიის მიხედვით. მიზანშეწონილია, რომ ციტირებული წყაროების უმეტესი ნაწილი იყოს 5-6 წლის სიღრმის.

9. სტატიას თან უნდა ახლდეს: ა) დაწესებულების ან სამეცნიერო ხელმძღვანელის წარდგინება, დამოწმებული ხელმოწერითა და ბეჭდით; ბ) დარგის სპეციალისტის დამოწმებული რეცენზია, რომელშიც მითითებული იქნება საკითხის აქტუალობა, მასალის საკმაობა, მეთოდის სანდოობა, შედეგების სამეცნიერო-პრაქტიკული მნიშვნელობა.

10. სტატიის ბოლოს საჭიროა ყველა ავტორის ხელმოწერა, რომელთა რაოდენობა არ უნდა აღემატებოდეს 5-ს.

11. რედაქცია იტოვებს უფლებას შეასწოროს სტატია. ტექსტზე მუშაობა და შეჯერება ხდება საავტორო ორიგინალის მიხედვით.

12. დაუშვებელია რედაქციაში ისეთი სტატიის წარდგენა, რომელიც დასაბეჭდად წარდგენილი იყო სხვა რედაქციაში ან გამოქვეყნებული იყო სხვა გამოცემებში.

აღნიშნული წესების დარღვევის შემთხვევაში სტატიები არ განიხილება.

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## PSYCHOLOGICAL-FORENSIC CHARACTERISTICS OF THE PERSON WHO COMMITTED A PREMEDITATED MURDER IN A STATE OF STRONG COMMOTION

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### Introduction.

The main areas of focus of the state's activity regarding ensuring the functioning of the mechanism of protection of citizens from unlawful encumbrances is the reform of the criminal justice system, taking into account international standards of criminal proceedings, optimizing the activities of investigative units, and increasing attention to mechanisms for countering violent crime, in particular the investigation of homicides. A psychological-forensic characteristic of a person who is an alleged criminal, has a significant role in the process of investigating a premeditated murder committed in a state of strong commotion and requires a detailed study and scientific substantiation. After all, the existence of the features of legal qualification itself and the need to establish correlations between the course of emotional processes and the consequences of unlawful behavior imply the need for the formation of a separate methodology for investigating this category of crimes, which emphasizes the practical significance of our study.

**Materials and methods.** The methodology of the article covers the system of epistemological principles, approaches, general scientific and special methods of cognition of reality, in particular: the dialectical method allowed to consider the subject of the study, while taking into account the contradictory, integrity and dynamics of its development; the historical-evolutionary method provided for the implementation of a retrospective review of the process of forming approaches to the determination of a premeditated murder in a state of strong commotion and the person who committed it. Additionally, the comparative method was used in the study of scientific positions regarding the theoretical and practical aspects of the formation of forensic, psychological and criminal-law characteristics. The system-structural method was used in substantiating the psychological characteristics of a person who committed a premeditated murder in a state of strong commotion while formal logical methods made it possible to generalize the positions of scientists, to formulate conclusions. In addition, sociological methods were used to interrogate the opinions of the staff in the investigators and operational units and the employees of the prosecutor's office on problematic issues of pre-trial investigation of a premeditated murder committed in a state of strong commotion. Statistical methods allowed to formulate conclusions based on the generalization of empirical data.

The empirical basis of the study consists of the following: analysis of 66 criminal cases (proceedings) on a premeditated murder in a state of strong commotion, which were considered in the courts of Ukraine; questionnaires of 63 investigative personnel, 27 operational officers and 24 prosecutors who participated directly in the investigation of criminal proceedings

for intentional homicide and in criminal proceedings for a premeditated murder in a state of strong commotion; materials of statistical reports on the activity of law enforcement bodies of Ukraine.

However, the insufficient elaboration of the theoretical positions regarding the methodology of investigation of this type of murder, in particular, as regards the development of the psychological characteristics of the offender's personality, has determined the urgency and importance of scientific research.

### Results and discussion.

According to the Prosecutor General's Office of Ukraine, the number of registered criminal proceedings under the Article 116 of the Criminal Code of Ukraine in 2017 - was 5; in 2018 - 6; in 2019 - 4; in 2020 - 7; in January-February period of 2021-0 [1]. However, this number of homicides with affective intent cannot be considered final, since it is possible that the emotional state of the perpetrator during the pre-trial investigation and trial was not properly assessed. It is important to note that the investigator does not have sufficient knowledge to solve situational, diagnostic, identification issues related to determining the likelihood of a specific psychological condition (physiological affect) in a subject of the crime at the time of causing death to another person, establishing the fact of sudden occurrence of such a situation as a result of the victim's unlawful acts [2]. Therefore, the choice of scientific research is to develop a typical psychological characteristic of a person committing a premeditated murder in a state of strong commotion.

Article 3 of the Constitution of Ukraine determines that a person, his life and health, honor and dignity, integrity and security are recognized the highest social value in Ukraine [3].

Art. 116 of the Criminal Code of Ukraine provides with the criminal liability for a premeditated murder in a state of strong commotion caused by ill-treatment or degrading the person's honor and dignity, as well as in the presence of the systematic nature of such treatment on the side of the victim. The state of strong suffocation is also provided for in a number of foreign criminal codes, in particular in the Article 148 § 4 of the Criminal Code of the Republic of Poland, the Article 130 of the Criminal Code of the Republic of Lithuania, the Article 120 of the Criminal Code of the Republic of Latvia, the Article 111 of the Criminal Code of Georgia as well as in the Article 116 of the Criminal Code of Ukraine, it is provided a special privileged body of premeditated murder and related mitigation of criminal liability [4-8].

In the criminal law of Ukraine, a crime committed in a state of strong commotion is considered less socially dangerous than the same crimes committed in the "ordinary" state. This approach in the legislation is reflected in the sanctions of the relevant articles



of the criminal law. For example, a sanction in Part 1 of Art. 115 of the Criminal Code of Ukraine for intentional homicide - imprisonment for from seven to fifteen years is provided, and for a premeditated murder in a state of strong commotion - up to five years. However, not every imputed crime is a crime with a privileged composition, but only one that is expressly provided in the law. Instead, there is an emphasis on the strong mental agitation rather than a general state of mental agitation.

The category "strong mental agitation", despite the rather long history of its existence in criminal law, continues to be controversial in terms of its content and scope. Most noteworthy is that the comprehension by the legislator of the very essence of this phenomenon, which contains not only the legal constituent as the external form of the illegal act, but also the psychological - as its internal content is a central tenet of the legislation.

In the doctrine of criminal law, it is assumed that the term "strong mental agitation" in psychology corresponds to the definition of the term "affection". However, these concepts in the development of criminal law and psychology have somewhat different content, although some scientists consider them identical.

Having analyzed the modern approaches of scientists to the understanding of meaning of the term "strong mental agitation", the scientists pointed out 3 groups of concepts.

- to the first belong V.V. Stachis and M.I. Bazhanov, who indicate that the state of strong mental agitation is a state of physiological passion [9].

- to the second scientists, who believe that a state of strong commotion is a state of affection. At the same time, they do not specify that this should be a physiological effect [10].

- third category scientists point out that since the ability to fully understand and act on their actions can be influenced by different emotional states, the concept of "state of strong mental agitation" includes not only the state of affection, but also other strong by their influence on mental activity, emotional states [11].

Due to the recent research, in order to understand how instant mental states, activate other mental states, there is the idea that network structure of mental states is closely linked to the structure of vulnerability underlying psychopathology. For example, the scientists Re M. L. and Wigman J. T. found that the connection between instant emotions is stronger in individuals with depression than in healthy people, controlling their emotions [1,12]. Subsequently, Wichers M. M. and Groot, P. C. determined that the increase in connection in the network structure of mental states had preceded the significant increase in the level of a person's depressive symptoms in the course of time [13].

One of the important elements of the methodology of investigating a premeditated murder in a state of strong commotion is the offender's personality. The study of this element of the methodology for investigating crimes is a complex problem that requires a comprehensive analysis.

Analysis of legal literature showed several areas of its study: criminological, criminal law, criminal-procedural, psychological and forensic.

There are two terms in the theory of criminal law: "the subject of a crime" and "person of the offender". The term "subject of a

crime" is widely used in criminal-law science, since it is one of the elements of the crime. The notion of "person of the offender" is used mainly when sentencing at court and is much broader than the concept of "the subject of a crime". According to Part 1 of Art. 18 of the Criminal Code of Ukraine, the subject of a crime is an individual who committed a crime at the age from which, according to the Criminal Code of Ukraine, criminal liability may arise.

Hence, the criminal-legal characteristic of the person of the offender is information not only about the structure of the crime, but also the direction and motivation of criminal behavior, the individual or group nature of criminal activity, the form of complicity (performer, organizer, instigator, accomplice), the intensity of criminal activity, achievement a certain age, having the criminal record, etc.

Today, there are two main approaches to determining the essence of the category "offender person". The offender's person qualitatively differs from a law-abiding citizen, based on the fact that the criminal law varies in space and time, any person during his life can commit criminal offenses, nobody can name any features that would be inherent solely to a person the offender. Also, in criminological science, a person who committed a crime as a result of his psychological features, anti-social attitudes, negative attitude to ethical values and the choice of socially dangerous way to meet his needs or lack of necessary activity to prevent a negative outcome is considered a criminal [14,15]. Thus, the criminological characteristic of the person of the offender is inextricably linked with the genesis of the offender, that is, the process of its formation and development, which reveals the determinants of its formation.

The psychological characteristic of the offender's personality includes the study of his inner world, needs, motives of behavior, general structure and individual traits of character, emotional-volitional sphere, abilities, individual characteristics, intellectual activity (perception, thinking, memory, and other cognitive processes).

From the position of criminology state that the personality of offender is a stable forensics significant set of psychophysiological qualities and features, motivational settings, emotional and rational spheres of human consciousness, reflected in the footsteps of crime in the process of preparing, committing and concealing a crime, as well as post-criminal behavior.

In our study we share the opinion that the personality of offender is a combination of socio-demographic, psychological and moral characteristics, more or less inherent in people, guilty of criminal activity of a certain type.

Personality approach is important to overcome the still existing gap between the problem of the personality of the offender and the problem of his behavior. It is it that is the basis of the concept proposed in modern forensic science, "psychological - forensic characteristics of the person of the offender". The latter is derived from the concept of "person of the offender" and is in contact with it in a close relationship, conditioned by the unity of the subject of knowledge. Under it means a complex of mental properties that characterize the personality of the offender and reflected in the traces of the crime in the process of preparing and committing a crime, concealing the traces of the crime and

its criminal behavior.

The problem of the psychological - forensic characteristics of the personality of the offender requires both - its study at the level of the in-depth assessment of the generalized in criminology and forensics of the actual data, as well as the analysis of statistical data characterizing the object of the research, criminal-legal characteristics of the personality of the offender. Also, the study of the personality of the offender involves the study of the personality of the offender, the criminal behavior, as well as the way of life of the offender, the features of his social environment, contacts and relationships. It makes possible to reveal and study the external social factors of the formation of negative features of the person (anti-social orientation, corresponding views, representations, orientation, etc.), which, instead, become the direct cause of criminal behavior, interacting with concrete situations in life.

On our opinion, it is reasonable to combine the data on the person of the subject of the crime into two groups: 1) those with probative value; 2) those with tactical significance. Certain information of probative value focuses on the location of the event in the form of various material traces, as well as information from witnesses, bystanders, victims or other persons who can report certain circumstances regarding to the offender. The material traces of the encroachment are the result of the criminals' fulfilment of their unlawful intentions starting from the stage of preparation, direct commission, the concealment of the consequences of the crime, and associated with the formation of traces: tools for committing a crime, traces of hands, shoes, micro-objects on objects? damage to clothing, wounds on the body and others. Additionally other trace evidence such as, blood, saliva, semen or other secretions of the human body, etc. Can also be present. Other valuable information such as the appearance of the offender, the manner of conversation, the peculiarities of walking, facial expressions, gestures, has an important identification value.

Along with the evidentiary information, considerable interest in establishing the guilty person has information that characterizes certain features - "evidence of behavior" - under which some authors mean indirect evidence arising from behavior (act or omission) of persons who have committed a crime or were involved in it [16]. The evidence of the victim's and offender's conduct for the purpose of investigating a premeditated murder in a state of strong commotion will be of primary importance to the investigator.

It should be noted that in forensic science, the problem of classifying the person of the offender is quite acute, but it is sufficiently worked out from the standpoint of psychology and criminology. So, during our study we will try to classify a person who committed a premeditated murder in a state of strong commotion using some psychological and forensically classifiers.

One of the first analysis of the offender's identity and its classification was made by Cesare Lombroso and Enrico Ferri. They advanced the theory of "inborn offender" and proposed a classification that included five types of criminals: 1) inborn; 2) «criminals as a result of madness psychopaths and other

suffering from mental illnesses 3) criminals as a result of passion; 4) accidental; 5) common. It is worth paying attention to the point of view that the main points of which are positively perceived by modern criminologists and psychologists. The scientist, considering the psychological state of the criminals, divided them into four subtypes: 1) mental; 2) fainthearted; 3) impulsive; 4) emotional [17].

The person who committed a premeditated murder in a state of strong commotion, according to the aforementioned classification refers to the emotional subtype of criminals. Actually, the emotional sphere of man is a special class of mental processes and states that reflect the immediate experiences of the individual.

In our opinion, the personality of the offender who committed a premeditated murder in a state of strong commotion should be classified according to the following criteria:

1. Depending on the level of connection between the victim and the offender: acquaintances (relatives, co-habitants, neighbors, employees, etc.); unfamiliar;
2. Depending on gender: a man; a woman;
3. Depending on age: adult; minor, juvenile, senior;
4. Depending on the existence of convictions: earlier convicted; not convicted before;
5. Depending on everyday habits: abusing alcohol; does not abuse alcohol; consumes drugs; does not use drugs; smoking; nonsmoking;
6. Depending on the type of temperament: choleric; sanguine, phlegmatic person; melancholic;
7. Depending on the place of residence: lives near or in the area where the homicide was committed; resides in another locality;
8. Depending on the situational situation: appeared on the scene of the crime accidentally; appeared on the scene of the crime non accidentally;
9. Depending on the characteristics: registered with a psychiatrist: staying; not staying; registered with a narcologist: staying; not staying; registered with the inspector of the preventive activities of the police: staying; not staying.

The high level of emotional experiences specifically affects the nature of cognitive processes and the structure of the consciousness of the subject. This influence leads to the phenomenon of "narrowing" of consciousness, which in turn makes the activity of the subject one-sided and inflexible. In psychology there are a number of emotional states characterized by high emotional stress. These include the state of physiological affection (strong emotional excitement), stress, mental tension and frustration.

From the psychological point of view the establishment of the destructive influence of the emotional state in which the person is, on his consciousness, and, consequently, on behavior is crucial for determining the state of strong emotional excitement. Such influence is definitely characterized by the affects. However, the depth of the partial constriction of the consciousness and the violation of the regulation of behavior reaches the same level as in the affects if the person is in such emotional states as stress and frustration, therefore, in the presence of only such, a state of strong commotion can be established.

We suppose that the person of the offender who committed a premeditated murder in a state of strong commotion is characterized by socially dangerous actions or lack of actions,

which are reflected in the victim's behavior of the victim. Such illegal actions, as determined by the legislator, are unlawful violence, systematic bullying, or a serious offense. These actions are the basis for the emergence of a state of strong commotion, they are illegal and should be directed against the perpetrator or other persons.

The person of the offender who committed a premeditated murder in a state of strong commotion is not endowed with negative qualities. The specified crime is committed as a result of an incorrect assessment of the situation that took place. Often, such persons do not leave the place of the crime they committed, try to provide the victim with the necessary assistance or appear in law enforcement agencies with repentance. Also, after committing a crime in a state of affectus, a person of the perpetrator usually chooses a positive post-criminal behavior.

Thus, we can conclude that the offender's person occupies a special place among the elements of the methodology for investigating a premeditated murder in a state of strong commotion. In this category of crimes, a murderer is an individual who at the time of committing a criminal offense has reached the age of criminal responsibility and has caused the death to a person as a result of the use of unlawful violence, strong offense or systematic abuse, which resulted in the emerging the state of strong mental agitation for the murderer.

The survey of our employees who participated in the investigation of a criminal investigation on a premeditated murder in a state of strong commotion showed that in 77.3% of cases the victim and the killer were in family ties or at least were acquainted with each other. Similar data are revealed as a result of the generalization of investigative and judicial practice of a premeditated murder in a state of strong commotion. During the study, it was found that in 96.8% of cases the victim and the offender were in a certain relationship before the crime (related or familiar with each other), and only in 3.2% of the cases did not know each other.

This indicates that the correlation between the victim and the offender during the investigation of a premeditated murder in a state of strong commotion plays a primary role.

Depending on the role of the individual and the behavior of the offender and the victim, S.A. Shalgunova identified four main types of situations in the mechanism of violent crimes:

1) "aggressively protective" (21%); 2) "spontaneously situational" (24%); 3) "systematically provocative" (6%); 4) "systematically-spontaneous" (49%).

Accepting the position of the researcher, we suggest, on an example of this classification, to analyze the emergence of a state of strong commotion in different situations.

S.A. Shalgunova points out that in the "aggressively protective" type of situation, unlawful violence is provoked and stimulated by the behavior of the individual, who ultimately becomes a victim. This situation will always be dominant in a premeditated murder in a state of strong commotion, since during such type of homicide the victim himself provokes the consequences of using illicit violence, systematic bullying or serious abuse on his side. All these three features fall into this type of situation.

In the situation of "spontaneously situational" type, the victim's behavior was not provocative in nature and the vast majority of

victims were not familiar with the criminals [18]. In this case, in our opinion, such a sign as a severe offence from the victim's side may take place. For example, in 2009, the Shevchenkivskyi RS in the city of Chernivtsi in accordance with art. 116 of the Criminal Code of Ukraine, a man was sentenced for having killed a friend of his brother, with whom he had not been acquainted by that time. The suspect came to victim's home demanding that he the victim should return the money that he owed to his (The accused) brother. Having entering the apartment, he lowered his pants and began to cling to him and offered to engage in unconventional sexual relations, to which the latter reacted negatively, took a kitchen knife and deliberately applied the victim to numerous (at least fifteen) strokes in the trunk area [19]. It should be noted that for the given situation, it could be specific previously observed "shifting affection", when victims of a crime committed in state of strong commotion are not the culprits of the conflict, but other persons who are not involved in the commission of unlawful or immoral actions, i.e., "third parties".

In a "systematically provocative" situation, violence was provoked by the victim's behavior and was the result of a prolonged conflict. Thus, the victim's behavior is dishonest, immoral, aggressive from the point of view of the perpetrator and prompts the latter to restore the "status quo", to punish the "guilty".

Describing the type of the behavior of the offender and the victim, it is reasonable to indicate the presence of the lasting systematic bullying. An example form judicial practice is the verdict of the Goshchansky DC of Rivne Oblast, according to which father was sentenced for murdering a son in a state of strong commotion that arose as a result of systematic bullying of the latter in 2010. For a long time, the son had not been working anywhere and systematically abused alcohol, demanded money from his father, while dragging his hair and self-harming on a particular , in a state of intoxication, he demanded the money to buy alcohol. The father emerged from the kitchen with a knife in his hand, when the son, made a demand for money and used physical force tried to elicit same. The father struck him once in the chest area and immediately went out into the street, it was only the next day the father realized that the son had die [20].

For a "systematically spontaneous" type, the victim's behavior was not provocative. The mentioned type is unusual for intentional homicide committed in a state of strong commotion, since the type of criminal offense under investigation is characterized by unlawful behavior towards a criminal which was reflected in committing unlawful actions (ill-treatment or degrading the person's honor and dignity, as well as the systematic nature of such treatment from the victim's side).

Regarding the results of the generalization of the investigative and judicial practice conducted during our study, the persons who committed a premeditated murder in a state of strong commotion were men - 60.6% (women respectively - 39, 4%). The killer's age was up to 18 years old - 3%; 18-29 years - 24.2%, 30-39 years - 31.8%, 40-59 years - 36.4%, over 60 years - 4.6%. Of which 37.8% do not work, the rest - 62.1%, are employees in various spheres of production (agriculture, metallurgy, mining, etc.). A significant part of criminals (72.7%) was not prosecuted in the past. It is also important that at the time of the commission

of the crime, the victim was in a state of intoxication - 62.1%, narcotic - 3.0%. At the same time, the emotional state of the offender was: anger - 39,4%; indignation - 22.7%; fear - 21,2%; the rest - 16.7% (insult, numbness, and others). And after committing the crime in the vast majority of cases he did not remember the events of the accomplice - 33,3%; tried to help the victim - 27.3%; trembling hands and feet - 18.2%; in the remaining cases - 21.2% (felt fear through committed, felt tired, exhausted, remained active and left the place of the crime).

### Conclusion.

Thus, as the result of the study, the invaluable role of psychological - forensic research for the method of investigation of a premeditated murder in a state of strong commotion was established. The basis of the psychological - forensic characteristics of the offender's personality are psychological peculiarities, which provide a certain level of activity and behavior typical for him, play a major role in the commission of his criminal activity and determine the peculiarities of his demonstration apart, as well as the forms (types) of their existence.

Analyzing the practical significance of the psychological - forensic characteristics of the personality of the offender in terms of its methodological and tactical role, it should be said that with its help it is possible to get more comprehensive and deep knowledge about the personality of the person who committed the crime. It gives a general description of the criminals, helps in their classification and typology, is used in the establishment and investigation of a crime, promotes the necessary organization of investigation and the effective conduct of a certain set of investigators (investigatory) actions, further in-depth clarification of the causes of crime, mechanisms of criminal behavior. That is, it allows to put forward versions more effectively and more rational to investigate crimes. The persons of the offender and the victim are the central elements of the methodology of investigating of a premeditated murder in a state of strong commotion. Their roles are intersected in such a way that one subject behaves aggressively from the position of the "attacker", passes to the position of the "victim", and the subject who has been bullied, offended, passes from the position of the "victim" passes to the position of the "attacker".

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### SUMMARY

PSYCHOLOGICAL-FORENSIC CHARACTERISTICS OF THE PERSON WHO COMMITTED A PREMEDITATED MURDER IN A STATE OF STRONG COMMOTION

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**Abstract.** The article deals with the issues of the psychological characteristics of the person who commits a premeditated murder in a state of strong commotion and its role in the method of investigation of the specified type of the criminal offense. The

author analyzes the works of domestic and foreign authors who conducted research on the above-mentioned issue. The essence of a premeditated murder in a state of strong commotion under the legislation of Ukraine and features of criminal responsibility for its commission, as well as analysis and classification of the notion of the offender from the positions of various branches of scientific knowledge are revealed. Based on the analysis of investigative and judicial practice in criminal proceedings in a premeditated murder in a state of strong commotion, a survey of employees involved in the investigation of the investigated type of criminal offense was carried out. A criteria for the classification and development of the typical psychological characteristics of the person who commits the intentional homicide in a state of strong emotional excitement was developed. The importance of the psychological - forensic characteristics for the method of investigation of a premeditated murder in a state of strong commotion was emphasized. Depending on the role of the person and the type of behavior of the offender and the victim, the situations of the emerging of a state of intense emotional excitement are analyzed and the character of the relationship between the victim and killer in the mechanism of the crime is proved.

**Keywords.** Psychological characteristic, criminal proceedings, premeditated murder, state of strong commotion; person of the offender.

#### **ПСИХОЛОГО-КРИМИНАЛИСТИЧЕСКАЯ ХАРАКТЕРИСТИКА ЛИЦА, СОВЕРШИВШЕГО УБИЙСТВО В СОСТОЯНИИ СИЛЬНОГО ДУШЕВНОГО ВОЛНЕНИЯ**

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В статье рассмотрены вопросы психолого-криминалистической характеристики лица, совершающего умышленное убийство в состоянии сильного волнения, и его роль в методике расследования указанного вида уголовного правонарушения. Автор анализирует работы отечественных и зарубежных авторов, проводивших исследования по указанной проблеме. Раскрывается сущность умышленного убийства в условиях сильного волнения согласно законодательству Украины и особенности уголовной ответственности за его совершение, а также анализ и классификация понятия преступника с позиций различных отраслей научного знания. На основе анализа следственной и судебной практики по уголовному производству по делу об умышленном убийстве в условиях сильной волнения проведен опрос сотрудников, задействованных в расследовании расследуемого вида уголовного правонарушения. Разработаны критерии классификации и развития типичных психологических характеристик лица, совершающего умышленное убийство в состоянии сильного эмоционального возбуждения. Подчеркнута важность

психолого-криминалистических характеристик для метода расследования умышленного убийства в условиях сильного волнения. В зависимости от роли человека и типа поведения преступника и жертвы анализируются ситуации возникновения состояния сильного эмоционального возбуждения и характер взаимоотношений потерпевшего и убийцы в механизме преступления.

**Ключевые слова:** психологическая характеристика, уголовное производство, умышленное убийство, состояние сильного душевного волнения; лицо преступника.

ფსიქოლოგიური და კრიმინალისტიკური მახასიათებლები იმ ადამიანისთვის, რომელმაც მკვლელობა ჩაიდინა ძლიერ სულის არეულობაში კუნტი ა., ბლაგუტა რ., შეხავცოვი რ., მარკო ს., კურილო გ.

ლვოვის შინაგან საქმეთა სახელმწიფო უნივერსიტეტი, ლვოვი, უკრაინა

ლვოვის ეროვნული სამედიცინო უნივერსიტეტი მათ. დანილა გალიცკი, ლვოვი, უკრაინა

სტატიაში განხილულია ადამიანის ფსიქოლოგიური და სასამართლო ექსპერტიზის მახასიათებლები, რომელიც განზრახ მკვლელობას ახდენს ძლიერი მღელვარების პირობებში და მისი როლი ამ ტიპის სისხლის სამართლის დანაშაულის გამოძიების მეთოდში. ავტორი აანალიზებს ადგილობრივი და უცხოელი ავტორების ნამუშევრებს, რომლებმაც კვლევა ჩაატარეს ამ პრობლემაზე. განზრახ მკვლელობის არსი ძლიერი მღელვარების პირობებში, უკრაინის კანონმდებლობის შესაბამისად და სისხლის სამართლებრივი პასუხისმგებლობის თავისებურებები მისი ჩადენისთვის, აგრეთვე კრიმინალის ცნების ანალიზი და კლასიფიკაცია სამეცნიერო ცოდნის სხვადასხვა დარგის პოზიციიდან. განზრახ მკვლელობის საქმეზე ძლიერი მღელვარების პირობებში სისხლის სამართლის პროცესში საგამოძიებო და სასამართლო პრაქტიკის ანალიზის საფუძველზე ჩატარდა გამოკითხული სისხლის სამართლის დანაშაულის ტიპის გამოძიებაში მონაწილე თანამშრომლების გამოკითხვა. შემუშავებულია კრიტიკული კრიტერიუმები იმ პიროვნების ტიპური ფსიქოლოგიური მახასიათებლების კლასიფიკაციისა და განვითარებისათვის, რომლებიც განზრახ მკვლელობას სჩადის ძლიერი ემოციური აღზნების პირობებში. ხაზგასმულია ფსიქოლოგიური და სასამართლო ექსპერტიზის მახასიათებლების მნიშვნელობა განზრახ მკვლელობის გამოძიების მეთოდისთვის ძლიერი მღელვარების პირობებში. პირის როლისა და დამნაშავისა და დაზარალებულის ქცევის ტიპებიდან გამომდინარე, გაანალიზებულია ძლიერი ემოციური აღზნების მდგომარეობის გაჩენისა და დანაშაულის მექანიზმში მსხვერპლსა და მკვლელს შორის ურთიერთობის ხასიათი. .

ძირითადი სიტყვები: ფსიქოლოგიური მახასიათებლები, სისხლის სამართლის საქმე, განზრახ მკვლელობა, ძლიერი ემოციური მღელვარების მდგომარეობა; კრიმინალის სახე.