

ISSUES OF FORENSIC PSYCHOLOGICAL EXAMINATION IN CASES OF MINORS VICTIMS OF RAPE

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<https://doi.org/10.5281/zenodo.10048410>

Abstract. *This article discusses the problems associated with the rape of minor victims. It is known that this problem is of wide significance both in legal practice and in the practice of forensic psychological research. Theoretically substantiates the provisions on the helpless state of victims who find themselves in a situation of sexual violence. The personal characteristics of rape victims are revealed, taking into account the qualifications of the criminal acts of the accused.*

Keywords: *victims, minors, forensic psychological examination, helpless state, individual psychological characteristics, emotional state.*

It is known that central importance when conducting forensic psychological examinations of rape is given to the psychological characteristics of the victim's understanding of the nature and significance of the actions performed on her and the ability to provide effective resistance to the rapist. The 21st century is a century of progress and scientific technology, reflected in the acceleration (rapid maturation) of the younger generation, which has a different ideological level and a different information richness about life and its phenomena than representatives of previous times.

It should be noted that knowledge of the characteristics of age-related mental development is very important in legal practice when investigating crimes of minors. The law establishes only one concept of age - passport age, i.e., number of years lived. At the same time, the law provides for circumstances when the course of mental development of minors deviates from its age-related patterns and leads to mental retardation. In these cases, psychological research helps answer the question about the behavioral characteristics and mental capabilities of minors. Regarding the content of the concept of age of psychology, as L.S. Vygotsky noted, "we could define psychological age as a certain era, cycle or stage of development, as a well-known relatively closed period of development" [1].

According to the scientific ideas of D.B. Elkonin, in some periods "1,3,5 years" the formation of the motivational-need sphere of the personality occurs, others "2,4,6" - the formation of the intellectual and cognitive powers of children. The personality development of each child is individualized. At the same time, there is a unity of social laws and psyche that determine the typical psychological characteristics common to people of the same age period. This allows one to diagnose psychological age. Based on knowledge of general patterns and comparison with them of the real level of development of minors [2].

The pronounced psychological characteristics of adolescence are called the adolescent complex, which include mood swings in speakers alternately. And there may not be sufficient reasons for such a change in a teenager's mood. In this situation, teenage girls coexist: amazing callousness with sentimentality, painful shyness with swagger, the desire to be recognized with ostentatious independence. The thinking style of minor girls at a given age is determined by the

type of their nervous system (mobile, inert). Depending on the type of nervous activity, the level of logical thinking in the contingent of individuals we are considering is different. This means that the qualitative understanding of reality and various environmental signals is different. At this age, the logical thinking of adolescents is in the formative stage, which is fueled by functioning imagery and infantile imagination.

The behavior of the groups of people we are considering (11-16) is determined by indirect social relationships, but at the same time does not completely lose the nature of reactive, directly sensory interaction with objects. The formed moral value system is associated with conceptual, informative ways of cognition, but does not matter the regulatory form of behavior. An important area of social behavior of adolescents is the peer environment, in which the self-awareness of minors is formed through social comparison. Due to puberty, attraction to the opposite sex manifests itself differently in girls and boys.

Speaking about the victim's understanding of the nature and meaning of the actions performed on her, it is primarily meant how these actions are reflected in the consciousness and awareness of the victim. Such a reflection is based on the victim's awareness of gender issues, i.e., in the essence of relations between the sexes, in the forms of their manifestations and in the physiology of sexual relations. By the victim's understanding of the meaning of the perpetrator's actions, we mean the semantic and evaluative aspects of the reflection of such actions in the victim's mind, both from the point of view of the motives and goals of the criminal, and from the point of view of the consequences of the actions performed on her for her future. This depends on the person's level of awareness in matters of sex and the ability to correctly understand the intentions of the perpetrator. This requires life experience that would allow one to draw a conclusion about the intentions of another person, his motives and goals, as well as the ability to logically connect individual facts with each other for a holistic understanding of the situation. Understanding the meaning of the actions of the accused in terms of possible consequences requires sufficient development of personal structures. The moral aspect of assessment presupposes the good development of the individual's moral consciousness, the ability to regulate one's behavior and activities.

It should be noted that the victim's formal awareness of the external side of sexual relations and understanding of the sexual nature of the perpetrator's actions do not yet imply that she has a correct understanding of their meaning. The famous Russian scientist M.M. Kochenov identifies the following indicators that characterize the victim's ability to understand the nature and significance of the actions performed on her and to resist.

1. Awareness at the early stages of the threatening nature of the situation, its possible development based on signs of the behavior of the accused, which may signal his true intentions.
2. Correct understanding of the moral and aesthetic side of what is happening.

Discussing the position of M.M. Kochenov on presenting an understanding of the meaning and nature of the rapist's actions with the victim, we believe that the issue of moral and aesthetic proportion or the presence of sexual experience in resolving the issue of providing effective resistance to the rapist is debatable. In our opinion, an incident of sexual assault is an incident of sudden violence, in which it is difficult to rely on and use the moral knowledge of each victim [3].

According to I.A. Kudryavtsev, establishing the victim's ability to understand the nature of the perpetrator's actions is based primarily on assessing the completeness of her awareness in matters of gender relations. This can be done in a directed conversation with the victim, while

studying objective information about her range of interests, taking into account data about the beginning of the sexual metamorphosis of her behavior. In the latter case, special clarification is required whether the minor has experience of sexual communication with the opposite sex, its forms, behavioral stereotypes, as well as views and opinions on this matter accepted in the victim's reference group.

Clarifying the boundaries of semantic sexual experience, diagnosing the forms of manifestation and the place of sexual desire in the motivational structure of the individual is an important part of determining a minor's ability to understand the meaning of the criminal actions of the perpetrator, the ability to predict the development of a criminal situation and foresee its consequences for oneself in the current period of time and in the future. Familiarity with this experience also allows us to judge the range of behavioral means available to a minor to restrain sexual demands, stereotypes of avoiding unwanted contacts, and allows us to assess their sufficiency, taking into account the specific techniques of the offender and the situation of violence.

The central place in the expert assessment of the ability of the injured minor to understand the significance of the actions of the perpetrator and to resist him is occupied by the analysis of the consciousness and self-awareness of the minor. It is important to establish the nature of her self-esteem, to reveal the content of the ideal and real, present and future "I-image", to determine the most important values of the subject that make up this image. Of particular importance in this case is the clarification of the personal components of the moral consciousness of the victim. The formation of such important moral feelings as a sense of duty, responsibility, honor and dignity indicates the possibility of a differentiated assessment of the actions of the perpetrator, and is a measure of the sufficient development of internal and external control, which allows one to effectively regulate one's behavior and purposefully organize resistance. Lack of formation and underdevelopment of moral consciousness is a criterion for the impossibility of correctly assessing the significance of the criminal actions of the perpetrator, a sign of the inability to provide conscious resistance.

Essential for determining the victim's ability to resist, in addition to analyzing her awareness, ability to make predictions and semantic assessments, is consideration of the quality of mediation of activity, the general style of implementation of the semantic and goal orientations that provide it. In this regard, an important role is played by finding out how much a minor's character is "sublated" by the value "core" of the personality, i.e., how consciously her current needs are mediated by higher values, how consciously and purposefully she is able to subordinate motivational lines, make a choice between motives, how independent of the situation she can build her behavior, distinguish between momentary situational and long-term life goals.

These qualities not only most fully reflect the level of arbitrariness and awareness of the victim's behavior, but also give an idea of the general social maturity of her personality.

Considering moral attitudes, personal maturity and the ability to mediate and anticipate the behavior of the accused by the victims, I.A. Kudryavtsev does not pay attention to such a significant factor as the degree of intensity, conflict, dynamics, tragedy, hopelessness of the circumstances in which the victims find themselves. In our opinion, in the psychological study of victims of sexual assault, it is necessary to attach sufficient importance to the analysis of the situation itself, the nature and actions of the accused who creates the violent incident.

V.F. Engalychev and S.S. Shipshin consider signs that may indicate that the victim was not able to understand the nature and significance of the actions committed against her and to resist, and therefore are the basis for the appointment of an SPE [4]. These authors believe that in cases where the examination is carried out in relation to subjects under eight years of age, there is no point in raising questions about understanding the nature and significance of the actions of the offender and the ability of the victim to resist (for the reasons stated above). In such cases, questions should be raised regarding the victim's ability to adequately perceive the circumstances of the case, remember them, and give correct testimony about them. At the same time, questions regarding the increased tendency to fantasize and increased suggestibility of the subject are also inappropriate.

According to V.V. Nagaev, understanding the nature of the offender's actions presupposes that the victim is able to correctly reflect their substantive side based on her awareness of gender issues (in particular, about the essence of sexual relationships, the forms of their manifestation, the physiological aspects of sexual relationships, childbirth, as well as the socially approved age for sexual intercourse).

According to V.L. Vasiliev, "the ability to understand the nature and significance of what is happening presupposes sufficient development of the higher mental formations of the individual - self-awareness, the ability to empathy, the hierarchy of the normative value structure, developed critical and predictive abilities, communication skills, legal and moral consciousness, etc. The level of development of these structures depends on intellectual abilities, temperamental characteristics, and character traits. The conditions and style of family upbringing are of decisive importance: an unfavorable family environment, emotional rejection on the part of parents and especially the mother, cruel upbringing with threats in the event of "loss of innocence" hinder the harmonious development of the individual, the assimilation of moral and ethical principles, and adequate behavior in a criminal situation." According to the author, one of the components that determines the behavior of victims in a criminal situation is the level of their psychosexual development [5].

Having studied the psychosexual development of children under seven years of age, the authors M.A. Dogadina, T.A. Smirnova, A.A. Tkachenko note that "at this time, the formation of sexual identity occurs: first of all, a correct idea of one's gender is formed, to at 3-4 years of age, children can differentiate those around them by external gender characteristics (clothing, appearance, structure of the body and genitals, timbre of voice, etc.). Then curiosity appears, directed at the genitals, at the behavior of animals and people with a statement of elements of sexual interaction, they ask adults about the structure of the body, childbirth, marriage, play games that imitate sexual interactions - "family", "doctor", often such games are accompanied by undressing, demonstration and examination of the genitals. Children at this age can evaluate a criminal situation as a game or punishment. Being victims, they are able to perceive only the external, formal side of events and do not understand either the nature or meaning of the actions performed on them."

As V.L. Vasiliev notes, "the age period of 7-13 years corresponds to the second stage of psychosexual development, the core characteristic of which is the formation of a stereotype of the child's gender-role behavior based on his psychophysiological characteristics and stereotypes of masculinity and femininity that prevail in the microsocial environment. At this time, about half of the children receive information about sexual intercourse, at least a third take part in sexual games

with children of the opposite sex, children are divided according to gender, thus, male and female gender stereotypes are developed, differentiated and assimilated. Depending on the degree of formation of the victim's gender-role behavior, we can draw a conclusion about her ability to understand the nature and meaning of the actions performed on her. The incompleteness of the formation of the second stage leads to the conclusion that such a victim is able to understand only the nature, the factual side of the actions performed on her; understanding the meaning of the actions of the perpetrator is inaccessible to her" [6].

In our opinion, the psychosexual degree of development in minor victims cannot be prevalent in forensic psychological studies on the rape of minors, since the age limits for adolescents of both our and the previous generation limit the "factor of sexual significance."

According to F.S. Safuanov, the preservation of the victim's ability to understand the sexual orientation and social significance of the violent acts committed against her depends on many psychological factors that interact with the characteristics (complexity, structure and dynamics) of the criminal situation, among which the leading ones are:

1. Level of mental development of the subject.
2. The emotional state of the victim in a criminal situation.

According to the concepts of A.A. Rean, the interpretation of the state of a rape victim should be considered in two aspects:

- 1) the victim's knowledge of social, moral and ethical norms in force in the field of sexual relations;
- 2) acceptance of these norms by the person under the expert.

According to the author, there may be cases when knowledge ("I know that everyone considers early premarital sex to be immoral") diverges from personal position ("I don't see anything particularly terrible here"). It would be a mistake to interpret personal rejection of moral and ethical standards as a lack of understanding of the victim of the situation under study and, accordingly, to consider her condition as mentally helpless. Despite the paradoxical nature of the situation under consideration, the author notes, on the one hand, the statement of rape received from the victim, and on the other, her lack of a negative moral, ethical and ethical assessment of the consequences (the situation is not hypothetical). It is necessary to take into account that there are cases when a statement of rape appears as a result of external stimuli: publicity, pressure from relatives, etc. [7].

In our opinion, the involvement of the victim in the circumstances of the rape may be situational in nature, where knowledge of the moral unacceptability of the actions of the accused committed with her may coincide with the inability to resist. In this case, we highlight the following circumstances: vagueness of moral values, selfish material interest, careless attitude towards the very fact of rape, perceived as a fact of sexual recognition, satisfying the needs for nourishment and raising the self-esteem of socially unjustified adolescent victims.

Rape is a severely traumatic event that upsets the balance between internal adaptation mechanisms and the external world. According to Nadelson et al. (1998), rape has all the features of stress, including extremeness that threatens the integrity of the adaptation mechanisms of the victim of sexual assault.

Thus, taking into account the position of the above-mentioned authors, we consider it appropriate to highlight the following factors in a psychological study of sexual assault of minor victims: the psychological age of rape victims, the emotional state of the victim in the

circumstances of the incident, individual psychological characteristics and post-traumatic reactions to the fact of sexual assault.

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