

Compulsory medical measures in the structure of criminal law.

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impact. Background: modern criminal law allows for an ambiguous interpretation of a number of fundamental categories, which also include compulsory medical measures. In this regard, there are difficulties in determining their essence and place in the structure of criminal law impact. Objective: definition of the concept and socio-legal nature of compulsory medical measures. Methodology: general scientific and private methods of scientific cognition: system-structural, inductive, deductive, and content analysis. Results: the conducted research allowed us to establish the essential features of compulsory medical measures, to formulate the concept of the institution under consideration and to determine its place in the structure of criminal law impact. Conclusions: measures of criminal-legal influence imposed in connection with the commission of a socially dangerous act against a person suffering from a mental disorder, by their essence and socio-legal nature, are separated from criminal liability.

The legal nature of compulsory medical measures lies in the fact that these are criminal-legal security measures, the essence of which is the compulsory treatment of persons who have committed illegal acts and are, by their mental state, a danger to society. They are not punishment, they are not recognized as a form of implementation of criminal responsibility. Their purpose, first of all, is an attempt to restore a stable mental state of the patient and eliminate the possibility of committing socially dangerous acts.



The 1996 Criminal Code of the Russian Federation does not define the concept of "compulsory medical measures". At the same time, in the structure of the Code, there is Section VI "Other measures of a criminal-legal nature", in which an independent chapter 15, entitled "Compulsory measures of a medical nature", is highlighted.



The statement is often made that “compulsory measures of a medical nature are a form of implementation of criminal liability”. This is argued by the fact that compulsory measures of a medical nature and other measures of criminal law have a number of common features: they are used for the commission of socially dangerous acts provided for by the criminal law, are compulsory in nature and are associated with various kinds of deprivations and restrictions.

However, this approach to criminal liability and the inclusion of compulsory medical measures in it is not entirely correct.

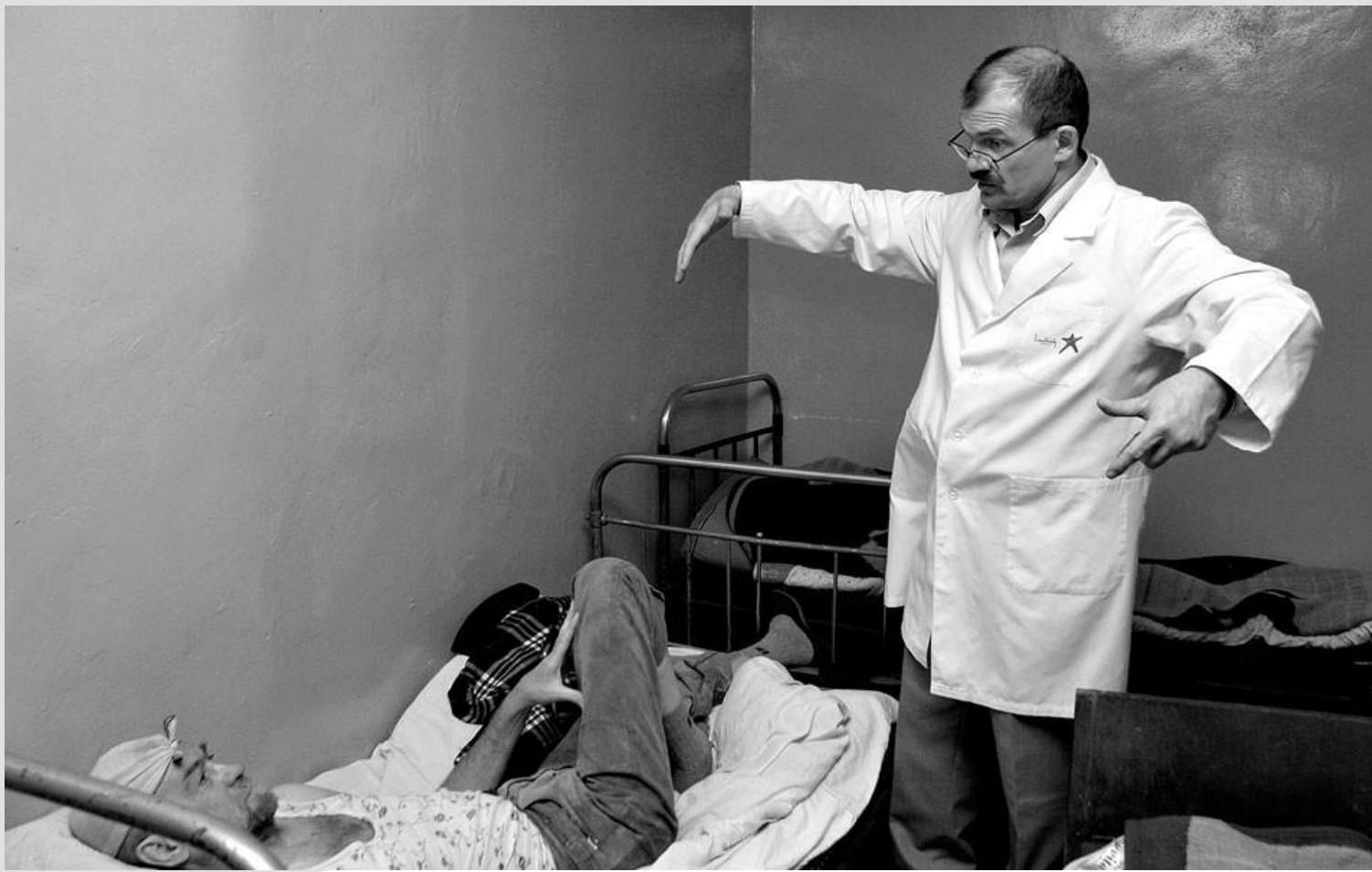
Criminal liability refers to responsibility for a crime and the penalty society imposes for the crime. Because crimes cause harm to society as a whole (in addition to the victim(s)), a government lawyer (prosecutor) brings charges against the offender on behalf of its citizens.

A person can be found liable for a crime if the prosecution proves that the person committed the criminal act (such as stealing) and had the required intent to hold the person accountable (such as intent to deprive the owner of the property). The law on criminal liability varies depending on the particular crime charged, the jurisdiction in which the person is charged, and other factors specific to the situation (such as the defendant's age).



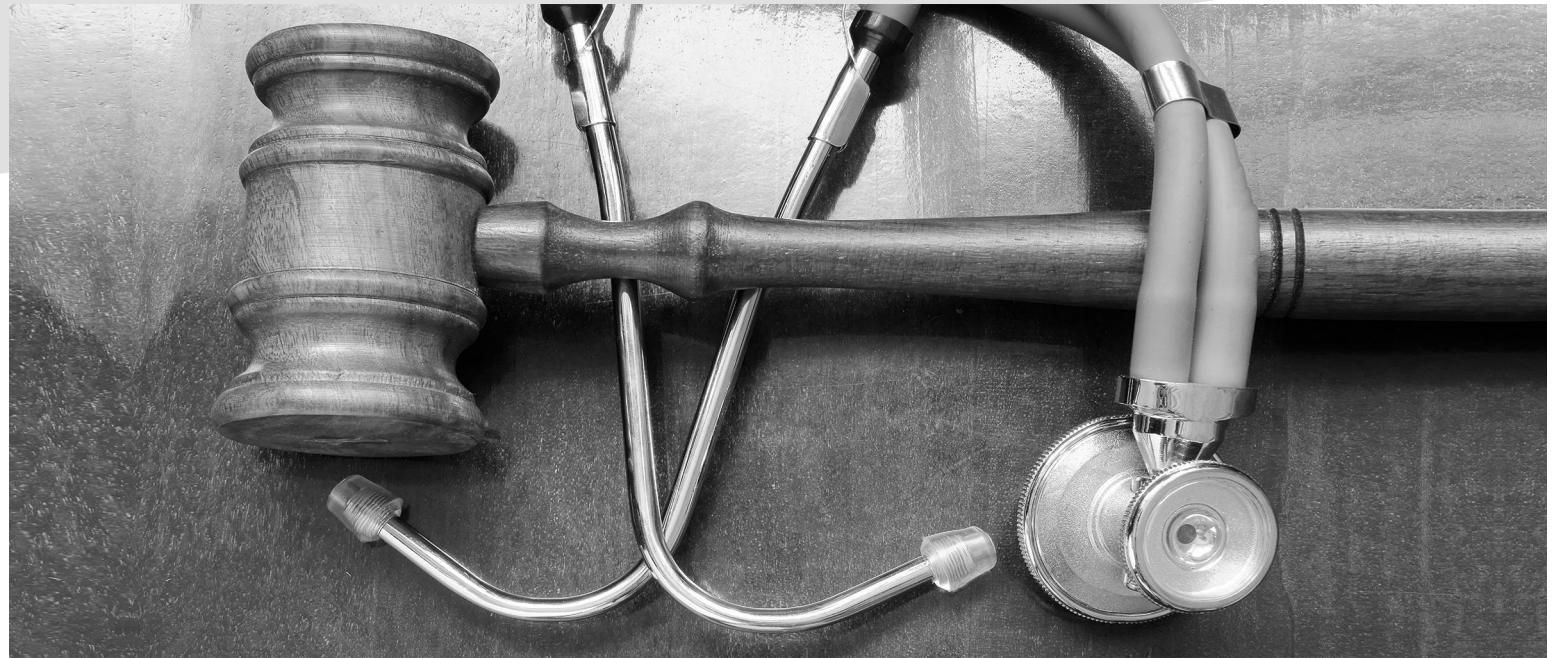
Secondly, criminal liability is associated with the implementation of clear legal sanctions that provide for the type and amount of punishment. Compulsory measures of a medical nature are provided not by the sanctions of legal norms, but by the dispositions of the articles of the General Part of the Criminal Code.





Thirdly, by its very nature, criminal liability is a repressive, punitive measure, while compulsory treatment is primarily of social significance and is of a medical nature.

Based on the analysis, the content of compulsory medical measures is determined. It includes the complex of medical treatments, which can help to recognize conditions or determinate the fact of the presence or absence of diseases, healing, rehabilitative and other medical measures, which contribute to recover or improve mental state of the patient. The features of determining the sanity or insanity of a person who has made a socially dangerous act are reflected, as it is the key point of the guilt, a subjective case of the criminal liability, sentencing punishment or other measures of a criminal nature. In conclusion, Assignment of compulsory medical measures causes restrictions on the patient's freedom, which indicates their similarity to criminal punishment. Their usage is based on principles of legality, humanity and respect for human and civil rights. It protects citizens from any form of discrimination caused by the presence of any diseases.



Thank you for listening to our presentation!

