

*Andrushko A.V.,
Candidate of law Sciences, Associate Professor,
Senior Lecturer of criminal law disciplines
and international criminal law department
Uzhhorod National University*

TARGET OF ILLEGAL PLACEMENT TO MENTAL HEALTH ESTABLISHMENTS

Illegal placement to mental health establishments is among offences liability for which is stipulated by Chapter III «Crimes against freedom, honor and dignity of a person» of Special part of the Criminal Code of Ukraine (article 151).

This crime is extremely rare in court practice but its social danger shall not be underestimated. It is known that in the Soviet Union forceful hospitalization to special mental health clinics was used to fight with political dissidents. Nowadays, illegal placement to mental health establishments is used to unlawful acquisition of real estate and elimination of «unnecessary» people. This crime is characterized by high latency because of opacity of psychiatric establishments and imperfection of legal constructions of this crime's body.

In this article the author basing on study of criminal law literature researches on specific features of an actual target of illegal placement to mental health establishments.

The summary is made that freedom of a person as a main actual target of illegal placement to mental health institutions shall be understood not only as freedom of movement but also as freedom to select circle of communication, freedom to make volitional decisions, make choice and independently decide whether to go to a mental health establishment. This shall also include freedom from external psychical pressure aimed at changing be-

havior of a person. Physical freedom of a person is as it is demonstrated only one of aspects (elements), though the most important, of freedom as a wide category.

Illegal placement to mental health establishments inflicts sufferings undoubtedly not only to freedom of a person but also to his/her honor and dignity. Such a person is not only deprived of a constitutional right to freely select his/her place of residence, right to make decisions, select circle of communication but also feels deep physical and moral sufferings. Under illegal hospitalization of a person to a mental health establishment human dignity suffers; this is due to peculiarity of a place itself, bitter moral sufferings (in particular, because of enforced co-residence with real mentally ill patients), «reason» of being there (deliberately wrong diagnosis), awareness of own helplessness and hopelessness, uncertainty of future. Human honor also suffers as a result of such crimes. It is known that in the society there is a biased and even negative attitude towards persons who underwent treatment in mental health establishments. Former patients experience difficulties in restoring an image of a normal person, in employment and in communication with other people. Therefore, in our opinion, there are all preconditions to assert that main actual target of the researched crime is freedom, honor and dignity of a person in their combination.