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UDC 340.113

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THEORETICAL APPROACHES TO THE DEFINITION OF THE CONCEPT OF "HYPNOSIS" IN CRIMINAL SCIENCE

Hypnosis is a concept that has gone beyond psychiatry and is studied in various sciences of the criminal branch. According to the tasks and content of each of them, it acquires an independent meaning. Legal uncertainty and ambiguity of the scientific vision of this concept do not preclude its practical application. In turn, this exacerbates the need for theoretical research in the direction of defining the essence and establishing the legal status of this category not only in the scientific field, but also in the practical sense.

Research article attempts to analyze a problem of theoretical understanding of hypnosis in criminal law. Despite its seeming simplicity, the definition of "hypnosis" is ambiguous enough. There is no a single interpretation of this concept in legal sources today. Moreover, despite the attention that scientists pay to the issue of hypnosis while studying its possibilities as a modus operandi, no one tried to clothe it in a theoretical form. On the basis of medical origin of the concept of hypnosis, the author tried to turn to the medical field as a maternal one in relation to this concept in search of an interpretation of its meaning and content. As a result, the lack of a unified understanding of this category has been also revealed at the level of medical theory. Vocabulary and encyclopedic sources mainly define hypnosis as a condition. Although this approach does not meet the needs of criminal law as well as does not solve the problem comprehensively but it could allow using hypnosis as an aggravating circumstance in the long run. The lack of theoretical certainty of hypnosis as an initial point, in turn, provokes the emergence of erroneous scientific ideas about the possibilities of an unexplored concept in criminal law doctrine. In addition, the situation is complicated by the usage of numerous terminology close to hypnosis such as hypnotism, hypnotic influence, hypnotic suggestion, self-hypnosis, criminal hypnosis, sometimes trance, and so on. As in the situation with hypnosis, they are not given a professional legal interpretation. Such uncertainty creates even more confusion. The relevance of further research on the concept of hypnotic suggestion has been determined. Due to such terminological uncertainty, the impossibility of proper application of the category of hypnosis in criminal law is emphasized.

Keywords: hypnosis, crime, illegal influence, coercion, modus operandi.

Отримано 19.10.2021