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INCEST AS A FORM OF SEXUAL VIOLENCE

Sexual offenses are characterized by the sharp negative reaction from the community, are among some of the most unacceptable, immoral and condemned the crimes. This is determined, first of all, a special relation to the state of sexual liberty, in particular, to the sexual integrity of minors. In this connection, recently conducted an active policy aimed at strengthening the criminal liability for sexual crimes against minors.

Overall, the analysis of the scientific literature there are different concepts that characterize sexual assault: directly "sexual assault" and "sexual violence", "sexual abuse", "sexual exploitation" [3, p. 95; 7, p. 5-9]. This interpretation reflects the subjective approach of each author to the issue, but it is not the right decision, because it is necessary to take into account the different semantic content of each of the terms. For example, based on data Lexicology, "sexual assault" and "sexual violence" have priority relate directly to sexual assault freedom of a person to sexual assault. And the term "sexual abuse" and "sexual exploitation" in relation to the previous in terms of content are greater volume, therefore, they are the backbone and include the more restrictive terms.

Incest is a form of sexual abuse.

Since ancient times, society's attitude to sexual relations between close relatives (members of the same family) was ambiguous. Typically, in most cultures, they admitted immoral and completely prohibited by law from medical and other considerations (for example, in ancient Greece). However, history is known and the full acceptance of these incestuous relationships or liberal to them (in some African tribes, in ancient Egypt).

Incest is one of the most traumatic disorders of the individual contacts with the outside world. Incest relations lead to the destruction of the entire family system, distortion of family values and the formation of abnormal attitudes to victims of incest in later life, contribute to the emergence of social deprivation. In addition to the psycho-social factors, condemning incest, there are medical, directly associated with them: impotence, psychopathy, sterility, prostitution, with all its consequences, emotional disorders, problems in sexual and marital life, a high degree of morbidity and mortality among those born as a result of incestuous relationships children. However, the basis of all social taboos on kinship is a religious taboo, because, according to the Church, incest - is sin, and sin multiply.

Overall synonymous Incest is incest, defined as sexual intercourse between close, namely, that it is important to clarify blood relatives.

Definition of the phenomenon as such outside of sexology and psychiatry still does not exist, the current Russian criminal law does not know such thing. Soviet criminal law is

also not allocated incest separate offense. As correctly noted in the literature [9, p. 58], the legal assessment of these actions is the same as the legal assessment of pedophilia, that is only in the theoretical work of scientists.

From the point of view of psychiatry and sexology many researchers [see for example 2; 9, p. 59] Incest is seen as a sexual deviation, paraphilia (that is achieve sexual satisfaction with culturally unacceptable or bizarre incentives), the deviation in the psychosexual development of the individual.

So, A.Goodman (1992) and P.Carnes (1989) [2, p. 76] attributed incest to one of the types of addictive sexual behavior (that is destructive behavior, characterized by the perception of the persons to whom there are sexual attraction is not as representatives of the human race with its own characteristics and aspirations, as well as a sexual object). And P.Carnes distinguished three levels of addictive sexual behavior by increasing the degree of deviant sexual behavior from the first group to the third. The author of the aggravated nature of incestuous relationships, relating them to the third, along with the rape and abuse of children. This classification with the increasing role of abnormalities of sexual behavior, in his opinion, due to the fact that incest is causing serious harm to the victim, not only directly from the violence, but also the very subject, commits an act of violence. The author based his classification and ranked paraphilia in terms of harm the psyche of the object of sexual assault. In our view, such an increase in the role of destructive incestuous relationships and their identification with the actual act of rape is not entirely justified. Yet, despite the obvious consequences of incest in terms of violations of psychological integrity of the individual, it should not be considered along with the rape, which, of course, has more serious consequences for the victim.

In DSM-IV, along with pedophilia incest is regarded as a disorder of sexual preference [8].

In the legal literature, an approach to understanding the nature of incest is ambiguous. So, for example, in reference encyclopaedias Incest is defined as sexual intercourse between being in a no-marriage-degree relatives [1]. Thus, if the analytical approach to the subject, in this definition the emphasis is on the forbidden nature of such relations in terms of the law, not medicine. Accordingly, incest is understood not as a sexual deviation, which is under a religious and medical reasons in terms inadvisability of such sexual relations with incest, but as a violation of the legal norms of the society. This position is shared by K. Imelinsky [4, p. 345]. As a physician, sexologist, he includes incest due to unusual sexual deviation, but at the same time points out that incest - is not sexual deviation in the pathological sense of the word, but only by a failure to specific public education law.

Incest is justly regarded domestic violence by family members of the victim. This includes parents, brothers, sisters. This completely unclear the position of many researchers, who includes to the specified range of close boyfriends, parents and stepfather. Their argument is based on the presence of trust relationships within the family, which can significantly facilitate the identification of psychological contact with the victim, break his resistance, to hide the violence and make it psychologically adequate form. In our opinion, this is not the right approach to the problem, since the center of the problem incest is precisely incest, changing the genetic code of possible future children, changing people's perception of the correct nature of family relationships.

Summing up the above point of view, is right to note that despite the lopsided

relevance in science, though incest should be seen as a sexual deviation (deviation), which combines the two aspects: medical and legal. The essence of the medical criteria is committing sexual abuse by relatives (blood) relatives, threatening the destruction of the moral spirit of the family and is the risk of an unfavorable offspring. And if we talk about the legal side of the term, it should be noted that the Criminal Code of the Russian Federation does not mention the term "incest", respectively, it exists only in theory, in practice it is always a sexual assault (Article 131, 132, 134 Criminal Code of the Russian Federation). In our opinion, the non-violent sexual assault cannot be directly attributed to the actions referred to incest, since the essence of incest is sexual intercourse with persons of the same kind of blood, incest, and that's why he implicitly prohibited by criminal law standards.

In addition, because incest is a purely theoretical concept, is not legally enforceable, the action, its generators are expressed in the criminal provisions in the form of articles about sexual abuse. Accordingly, the criminal offense it is only in the case of a sexual assault by force, against the will of the victim, or to the age of the victim of violence if the sexually mature person becomes incestuous relationship with an underage relative. And if there are in the actions of the subject specific signs of a crime under Chapter 18 of the Criminal Code of the Russian Federation, it should be prosecuted. If these acts are voluntary, and both parties have come of age, their behavior may be condemned and punished to the violation of the rules of morality and moral principles of the society, not from the standpoint of the law.

At the same time, affecting the international experience, the Criminal Code of Ukraine in part 2 of Article 155 provides for increased criminalization of incest relationships within the family in relation to a person who has not attained puberty (with a specified range of family members include not only blood relatives, but all to whom responsibilities for the upbringing of the victim or care about it).

It should be noted that in the criminal law of the Russian Federation there is no such aggravating circumstances as incest, although in the literature many authors wrongly, in our view, put forward proposals for the administration of an appropriate sign in the composition of rape and sexual assault [6; 5, p. 200] for all victims regardless of age. Therefore proposes to leave the concept of "incest" purely theoretical terms, not to create additional problems associated with its interpretation of law enforcement agencies. However, given the positive experience of a neighboring state, consider it appropriate also to enter the aggravating circumstances "and invasion of blood relation" as part of Chapter 18 of the Criminal Code of the Russian Federation, but limiting its application only to minors.

In summary, it should be noted that cases of incest are quite common in recent years. However, the criminal law does not know such term, the Russian criminal law imposes criminal liability only if there is no sign at the introduction of voluntary sexual intercourse with a relative, however, as with any other person. Aggravating circumstances requiring increased criminalization of incest, a Russian criminal legislation is also missing. Accordingly, incest should be considered under the rules of Chapter 18 of the Criminal Code of the Russian Federation.

Literature

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