

## THE CLASSIFICATION AND TYPOLOGY OF THE OFFENDER'S PERSONALITY IN THE CRIMINAL LAW OF REPUBLIC OF MOLDOVA

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**Abstract:** *Criminal activity is committed each time by a perpetrator. The perpetrators, in turn, are of several types. Once a crime has been committed, the legal subject who committed it is also identified according to his social status. The perpetrators belong to different personality categories, depending on the crime committed. Personality is a result of social relations. It fulfills a system of functions, which determines the series of social relations. Personality behavior is determined by social, economic, political, psychological and psychic factors, which are closely related to the individual's status and role in everyday life.*

**Keywords:** *antisocial act, offender personality, crime prevention, types of offenders, awareness, society, irresponsibility, etc.*

### Introduction

For this reason, most researchers and criminologists, since ancient times, have established that human individuals can be united in certain classes or groups based on the possession of common biological or social traits. This is how the notion of *type*, *types* of criminals or criminal *typologies* appeared. But no classic or contemporary typology manages to meet all the variety of human personalities, the notion of “type” being a mental construct, which facilitates the ordering process of social reality, serving as benchmarks whose knowledge can offer us an understanding and a treatment of the behavior of the studied individual.

Confronting these problems, criminological science resorted to the science of typology, “which deals with the classifications into types and the criteria according to which they are made” (Popescu Neveanu, 1978: 735-736), with the description of the types and the methods by which they can be determined. This science predicts the existence of groups of people, categories of criminals with similar features. People with such traits make up and belong to the same type, forming a model that represents them. In this way, the type is a concept, an idea, a scheme that represents all those who have such traits and belong to the same group or category.

By the notion of “*type*” we understand a totality of characteristic and distinctive features of a social group. For example, the military type, characterized by discipline, organization, punctuality or the artist type – a man full of imagination, less organized, etc.

### **The degree of investigation of the problem at the present time, the purpose of the research.**

At the present moment, the importance and the purpose of the elaboration of this scientific approach, appears from the author's intention to reveal in the foreground some doctrinal and legislative landmarks in the field of elucidating and presenting to public opinion

different types and systems of characterizing the personality typology of criminals. At the same time, there is also the urgent need to carry out an extensive analysis regarding the essence of the research subject.

### **Materials used and methods applied.**

In the process of elaborating the scientific article, we were guided by several and various scientific research methods that made it possible to properly investigate the titular subject, among which we can list: the analysis method, the synthesis method, the deduction method, the systemic method, the historical method, as well as the comparative method.

The theoretical-legal basis of the scientific approach includes the defining material such as local and international specialized literature – which directly or indirectly, addresses the essence and content of the subject under research.

### **The results obtained based on the scientific analyzes carried out.**

Type can only be studied within typology, which could be defined as the science of types, classes, groups. In turn, the typology of the criminal personality cannot be studied separately from the *general psychological* typologies, because we do not have a „criminal psyche” or a „criminal genetic inheritance”, but both the psyche and the genetic constitution contribute to determining human behavior, including to the criminal ones. These are joined by the social composition of the personality, which is of great importance. The way the individual went through the socialization process, assimilated social norms, created a system of individual values, which correspond or not to those unanimously accepted by the majority of individuals, is important in determining and choosing future behavior.

The basis of the typology of the criminal personality must necessarily be the psychological peculiarities: attitudes, goals, motivation, etc.

The classification criterion varies according to the conception of the genesis of crime. Thus, the anthropological, psychological, sociological, etc. criterion can be used. Among the first classifications we list that of Lombroso, who studies the physiological and psychological characteristics of criminals, showing the points of similarity and difference between them.

Thus, Lombroso classifies criminals into:

- 1) born criminals;
- 2) morally insane;
- 3) epileptic criminals (epileptoids);
- 4) passionate criminals;
- 5) insane criminals (this category also focuses on alcoholic criminals, hysterical criminals and semi-insane or mad criminals);
- 6) occasional criminals;
- 7) habitual criminals;
- 8) latent criminals (Pop, 2003: 29-30).

After Lombroso, Enrico Ferri proved and imposed the thesis of the need to classify criminals. It was only on the basis of Ferri's criticism that Lombroso accepted the idea of classification.

Ferri classifies criminals into five categories:

- 1) insane or insane criminals (the author claims that social responsibility is the only criterion that must exist for all criminals, including the insane; alienated criminals are distinguished from born criminals and morally insane, finding among the former different forms of mental alienation; they would be the individuals touched by the mania of persecution, argument, kleptomania, pyromania, etc., who without reason commit very violent crimes, like Sergeant Bertrand, who dug up 18 corpses, with which he satisfied his sexual desires and then cut them with a sword);

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2) born or instinctive criminals (they are wild, brutal, cunning and lazy, who do not make any distinction between crime in general and a profession; for them punishment has no effect, they consider prison as a natural risk of their profession; in prison they do not suffer, feeling like a painter in his studio, thinking about a new “work”; they have hereditary tendencies to murder);

3) habitual criminals (recruited from individuals who commit their first crime in childhood, almost exclusively against property and whom prison corrupts morally and physically, producing in them the chronic habit of repeating the crime; the formation of habitual criminals also contributes society, which does not extend a helping hand to help them find their place in society, but, abandoning them, applies harsh police and judicial measures to them);

4) criminals of passion (they are rare and almost always commit crimes against individuals; they are of a bloody temperament, of an exaggerated sensitivity, committing crimes especially in their youth; anger, injured honor are the most frequent motives for their crimes; they commit the crime not with premeditation, but on the face and in the access of passion);

5) criminals of opportunity (they differ from born criminals in that external impulses do not have a determining force at the end; criminals of opportunity are influenced by chance, chance, which develops criminal tendencies when determining the crime).

Along the same line of research, in the history of criminology, the classification of R. Garofalo, who introduced the criterion of *moral anomaly*, was also included. In the author's view, there are, as in Ferri, five categories of “real” criminals, i.e. those who commit natural crimes:

1) murderous or typical criminals (defined as monsters in the moral order, having common characteristics with savages, lacking the instinct of benevolence or mercy);

2) violent criminals;

3) improbable criminals;

4) cynical criminals;

5) conventional criminals or “rebels” (their crimes consist in disobeying the law).

For his part, A. Lacassagne distinguishes:

1) criminals of sentiment or instinct (they are incorrigible, being driven to crime by hereditary tendencies, habit or vice);

2) action or opportunity criminals (also called passionate);

3) thought criminals or frontal criminals (among them are also alienated criminals).

4) At the base of this classification, Lacassagne puts the idea that cerebral life manifests itself in three forms: man loves, thinks and works. This is where the distinction between people comes from: for some, feelings predominate, for others, intelligence, for the third category, activity.

G. Tard also claims that criminals must be classified, but according to sociological criteria. Thus, distinguish:

1) urban criminals;

2) rural criminals;

3) murderous criminals;

4) violent criminals.

Among the Romanian criminologists, I. Tanoviceanu (Tanoviceanu, 1912: 38-42) stands out, who accepts three categories of criminals:

1) born criminals;

2) occasional criminals;

3) habitual criminals.

This classification corresponds to the three types of causes with a strong influence on the will:

- a) human nature or heredity makes a born criminal;
- b) bad education or a series of bad circumstances give rise to the habitual offender;
- c) external circumstances, which influence the occurrence of occasional and habitual criminals.

In modern psychology and criminology, the criminal personality typology takes into account a wider circle of criteria. The first division is related to:

1) *the degree of awareness and mental direction of behavior*, where *normal* criminals and *abnormal* criminals are distinguished.

*Normal* criminals are not affected by mental pathologies, the crime being conscious. Thus, being aware of the antisocial nature of their behavior, these criminals have selfish motives, usually greedy, committing thefts, embezzlement, economic crimes, etc.

*Abnormal* criminals have mental disorders of various nature, pathologies that do not allow them a full and adequate awareness of their actions and behaviors.

2) The second division is made according to the tendency to repeat the crimes, where we distinguish *recidivist* criminals and *non-recidivist* criminals. Non-recidivist criminals can also be called primary criminals, who do not repeat the criminal behavior.

3) The third division is made according to the degree of criminal preparation. Here we highlight two types:

- a) *occasional* or *situational* criminals;
- b) *career* criminals.

*Occasional* or *situational* criminals are individuals who have committed crimes by virtue of special circumstances (material, emotional, etc.). For them, crime is a contradictory phenomenon to the usual way of behavior. Some authors highlight several subtypes of occasional (situational) criminals:

a) people with certain mental pathologies, which in extreme situations annihilate the possibility of self-directing behavior;

b) people with an inadequate self-assessment of their own possibilities, more often increased;

c) persons who committed crimes under the impact of mental states, following the actions of other persons;

d) socially maladapted persons.

*Career* criminals are oriented towards an antisocial way of life, crime becoming a job, a way of life. Among their defining features are:

a) crime is the main means of material insurance;

b) recourse to physical violence takes place only in extreme situations;

c) are aware of the prospect of deprivation of liberty;

d) in detention he continues to perfect his criminal skills, etc.

In Romanian criminology, one of the most interesting attempts to elaborate the typology of criminals belongs to the criminologist Ion Oancea, who united the forms of typology proposed by

E. Seelig and J. Pinatel, defining the following types of criminals:

1) the *aggressive* (violent) criminal;

2) the *acquisitive* criminal;

3) the *characteristic* criminal;

4) the criminal *without sexual inhibitions*;

5) the *professional* criminal;

6) the *occasional* criminal;

7) the *mentally retarded* criminal;

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- 8) the *recidivist* criminal;
- 9) the *ideological* (political) criminal;
- 10) the *alienated* criminal.

The *aggressive (violent)* criminal is characterized by strong emotionality, accompanied by reactive discharges manifested through acts of violence. He is devoid of feelings of pity and compassion towards other people, showing only enmity and hostility. In the case of weak physical strength, he commits acts of verbal aggression, manifested by insults, slander, threats, etc. When the individual has a strong, athletic body build, then aggression is also manifested through the use of physical force, in the form of injuries to bodily integrity, even with the use of cold weapons and other objects (sticks, metal rods, stones, etc.). As a rule, they are known in their social microgroup as argumentative, aggressive, bullies, manifesting themselves suddenly, spontaneously, without good reasons.

The *acquisitive* criminal is characterized by the tendency to take, collect, purchase goods and material values for personal purposes: for gain, maintenance, enrichment, etc. This is a tendency common to animals and humans, having a biological substrate. But, in honest, non-criminal people, this tendency has certain limits, which are missing in the acquisitive criminal.

The *characteristic* criminal possesses some characteristic disorders, which place him in the series of transitions from the normal, mentally healthy man, to the abnormal, but not mentally ill, man. Examples are those expressed in the behavior of the stubborn man, of the man possessed by vices, passions and perversions, which he cannot control. In these cases, a first characteristic is that a certain tendency develops in a pronounced way and dominates the whole person, and the will and self-control cannot control it.

The criminal *without sexual inhibitions* commits crimes related to sexual life: rape, sexual perversions towards minors, etc. Sexual life is related to the sexual instinct, which aims at sexual relations between people of different sexes and which is a physiological, natural, normal and permitted necessity. It is permitted on the basis of free consent. When these prohibitions are violated, the individual becomes a criminal through lack of sexual restraints.

The *professional* criminal commits crimes systematically in order to gain life and livelihood resources. Professional criminals can be passive (they do not work and do not earn their living from work, but only from crimes) and active (they earn their living from complex, organized crimes: human trafficking, counterfeiting of money, burglary, etc.).

The *occasional* criminal commits a crime being pushed by external, occasional, special factors. The example of the minor, who, allowing himself to be trained by others, commits a theft. As a rule, until they commit a crime, they have a good conduct, they do not relapse and commit the act only because of an external circumstance, occasion or situation.

But not all those who find themselves in a critical situation, commit crimes; some resist and can control themselves. Hence the dilemma: opportunity gives rise to the thief (ie external factors are decisive) or opportunity discovers the thief (internal factors are decisive). Most researchers argue that in the case of the occasional criminal there may be a contribution of internal factors, but external factors are, however, predominant. There are certain situations, exceptional circumstances that can push a person to commit a crime who, in other circumstances, would not commit the crime.

The *mentally retarded* criminal possesses a series of specific features:

a) has limited limits to take into account other people and their reaction; he does not foresee that others can think better, more quickly, which is why he cannot adapt, he denies reality and does not realize that others know and understand more;

b) does not have the capacity to foresee the commission of the crime; possessing a temporal horizon, he does not foresee exactly the more distant consequences of his actions;

c) has a concrete, but infantile way of thinking, struggling with his work and needing support.

Mental retardation can be:

1) serious, composed of idiots and imbeciles, with an intelligence quotient up to 50, i.e. equal to the intelligence level of a child up to 10 years old;

2) easy, in which the borderline and sub-mediocre enroll, with an IQ of up to 90, close to normal intelligence.

The *ideological* or *political* criminal is the individual who, having certain political, scientific or religious ideas and convictions, commits criminal acts due to these ideas. As a rule, the political criminal is a militant who propagates and fights for certain reforms and social changes. According to the goals pursued, the political criminal differs from the common law criminal. Historical experience shows that many fighters, considered at one time as enemies and criminals, punished in camps and prisons, were later considered as heroes and applauded by the people. But those who accompany this struggle with assassinations, plane hijackings, catastrophes, etc. are not considered political criminals, i.e. people who commit acts of terrorism.

The criminally *insane* is the irresponsible, abnormal, mentally ill or alienated person. Although, from a legal-criminal point of view, they are not criminally liable and cannot be penalized, they are subject to safety measures of a medical nature. From a criminological point of view, the alienated criminal is of some interest for scientific research, namely, the data on the types, categories and characteristic features of alienated people need to be known. As a rule, they commit crimes unexpectedly, by surprise; many crimes are brutal, cruel, unexplained, absurd and incomprehensible.

Finally, a last attempt to develop the typology of criminals belongs to the American criminologist and psychologist Lewis Yablonski (Yablonski, 1990: 50-68), who used the personality traits of the individual as a classification criterion, highlighting four typologies:

1) *socialized* criminals become criminals as a result of the impact with the social environment, from which they take the negative values. The antisocial tendency of these criminals is a result of imitating and influencing the social microgroup, in which negative values predominate.

2) *neurotic* criminals, partially aware of their illness and critical of it. Neurosis is a minor mental disorder, as we have shown in one of the previous sections, a borderline pathological state that occurs in the case of nervous overload, repeated troubles and dissatisfactions of a personal, family or professional nature. Driven by anxiety, emotionality, etc., neurotics can commit crimes such as kleptomania, pyromania, etc. However, neuroses do not diminish the possibility of self-awareness of actions, affecting only behavior.

3) *psychotic* criminals are unstable, impulsive and difficult individuals, whose behavior causes their entourage to suffer in particular; socially maladjusted, they often have to deal with justice (Norbert, 1996: 251-252). Psychotic criminals present an increased social danger, being very aggressive, violent, cruel. Some authors (Enikeev, 1996: 128-133) distinguish several forms of psychopathy:

- psychasthenic psychopaths (tense, reactive, anxious);
- explosive psychopaths (irritable, violent, conflictual, brutal in communication, fond of gambling, debauchery or sexual perversion, drunks, etc.);
- hysterical psychopaths (demonstrative, insincere);
- paranoid psychopaths (arrogant, suspicious).

4) *sociopathic* criminals can cause moral, material and even physical damage, without feeling any anxiety or a sense of guilt. Sociopathy is manifested by self-centeredness, lack of compassion for other people or limited compassion. As a rule, sociopathic criminals are mentally healthy, calm, insincere, unstable, etc. Their character deficiencies include: lack of

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remorse, fear, poor affectivity, indifference in interpersonal relationships, bizarre and unpredictable behavior, etc. (Norbert, 1996: 251-252).

**Conclusions**

The spectrum of criminal typologies also includes the classifications carried out in the national criminal legislation. Thus, according to the Criminal Code of the Republic of Moldova, we distinguish:

1) *dangerous* criminals, who have committed serious, particularly serious or exceptionally serious crimes, committed with intent and being aware of the prejudicial character of the action or inaction, as well as of its prejudicial consequences.

2) *occasional* criminals, who committed a crime out of imprudence, were aware of the prejudicial nature of their action or inaction, but easily considered that they could be avoided.

3) *responsible* criminals, i.e. people who have the capacity to understand the prejudicial nature of the act, as well as the capacity to manifest their will and direct their actions.

4) *irresponsible* criminals are people who could not realize their actions or inactions and could not direct them because of a chronic mental illness, a temporary mental disorder or another pathological condition.

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