

## Psychopathy and Mental Capacity in the Criminal Law

Dragiša Drakić, Ph.D., Associate Professor and Lecturer of Criminal Law and the Head of the Criminal Law department, Faculty of Law, University of Novi Sad, Serbia. E-mail: [drakic100@gmail.com](mailto:drakic100@gmail.com)

Emir Ćorović, Ph.D., Assistant Professor and Lecturer of Criminal Law, Department of Legal Sciences, State University of Novi Pazar, Serbia. E-mail: [emircorovic2010@gmail.com](mailto:emircorovic2010@gmail.com)

Sabina Zgaga, Ph.D., Assistant Professor, Faculty of Criminal Justice and Security, University of Maribor, Slovenia. E-mail: [sabina.zgaga@fvv.uni-mb.si](mailto:sabina.zgaga@fvv.uni-mb.si)

This paper deals with the problem of psychopathy and mental capacity. It is well known that a number of offenders are psychopathic personalities which often commit serious crimes, and considering that psychopathy is a controversial psychiatric construction, it raises the question of the offenders' mental capacity. Two issues are emphasized. Firstly, problems with the conceptual definition of psychopathy including its etiology and characteristics; and secondly, the legal regulation of insanity and significantly reduced mental capacity, i.e. whether these regulations have been formulated so as to enable psychopathy, and some forms of it to be attributed to the specific biological basis of insanity and reduced mental capacity, that certainly affects the criminal legal status of psychopathic offenders.

Even though this is a theoretical paper, it also presents the results of selected research related to psychopathy as a criminogenic factor. The complexity of the issue of psychopathy and involvement of psychopathic offenders in serious crime, substantially justifies the theoretical level review of the relation of mental capacity and psychopathy in the direction the authors have defined in this paper.

Keywords: psychopathy, mental capacity, criminal law

UDC: 343.222



Ime datoteke: doc-novo.docx  
Mapa: \\yeti\www\eng\images\stories\Publications\JCIC\PDF\  
2014\02  
Predloga: C:\Users\jesmrekar\AppData\Roaming\Microsoft\Predlo  
ge\Normal.dotm  
Naslov: Media reports on crime in Slovenia  
Zadeva:  
Avtor: uit0198  
Ključne besede:  
Komentarji:  
Datum izdelave: 23.9.2014 15:42:00  
Številka spremembe: 6  
Zadnjič shranjeno: 15.4.2015 16:06:00  
Zadnji shranil: jesmrekar  
Celotni čas urejanja: 822 minut  
Nazadnje natisnjen na: 21.4.2015 15:56:00  
Kot pri zadnjem popolnem tiskanju  
Število strani: 1  
Število besed: 300 (približno)  
Število znakov: 1.710 (približno)