

THE WAY IN WHICH DISCERNMENT IS AFFECTED IN PSYCHOTIC PATIENTS

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Abstract

Discernment is a function of the synthesis between the personality structure and the level of consciousness development. This is an absolutely necessary function for integration into society and cohabitation in a civilized state. There are various diseases that cause damage to discernment either by affecting the level of consciousness or by affecting the nominal functioning of personality mechanisms. Psychoses are frequent causes of discrimination, often associated with antisocial facts..

Key words: *discernment, level of consciousness, antisocial*

Introduction

Understanding the consequences of your own deeds is a fundamental necessity of any operation of any state. (Lind, 1998) Discernment is fundamental on which laws are built and respected. (Scripcaru, 2015) The problem of lack of discernment has been discussed since ancient times. The Roman Law exempts criminals from being held responsible. (Gibbons, 2001) Nowadays it is considered that an adult person without psychological suffering has a discernment regardless of other factors such as the level of education, religion, race, sexual orientation. Defining discernment is a rather difficult problem because it is a function of the synthesis of the human mind and therefore has a high complexity. (King, 2002) In criminal law, we use the phrase " to understand the consequences of his / her actions " which can be translated into the fact that some of the action is in direct causal connection with the physical interference of a person or the attack on private or public property (theft, destruction , etc.). (Rosenberg, 1988) However, it is more difficult to foresee the more ambitious actions, in this case the

criminal code takes into account these aspects and the defendant is then tried (culpable, acquittal, etc.). (Stone, 1984) On the other hand, a psychiatric illness is a factor that disturbs this superior mental function to synthesis, meaning that the person is no longer able to predict the normal consequence of his actions, or the initiation of the action starts from an aberrant pathological motivation. (Lewis, 2002) At society's level, discernment is understood as the ability to distinguish between good and bad. (Iannaccone, 2006) This is defined by some religious cults as the fundamental element that defines us as men and differs from other living things. (Dekker, 1997) Also from a legal point of view it is considered that children have no discernment until the age of 14, so they are not aware of the consequences of the acts they commit. (Bandalli, 1998) Between the ages of 14 and 16 it is necessary to assess the level of adolescent psychological development within a joint committee of psychiatrists and legislators. Over 16 years of age, a person is considered to be discerning. Concerning the other extreme age, it is considered that in the absence of illness, a person retains their unlimited discernment. (Damir, 2006)

Material and method

We will analyze data on the elements needed to be able to assess the discretion made in the expert committees. The first element is consciousness that is thought to have four levels. An elementary one is the one aiming at the time and space orientation in the sense of recognizing the place and time of the person. The second level is the recognition of valuable or non-valuable objects (value of money or other goods). The humble level is that of understanding social relationships in terms of the degree of kinship between the person and the rules governing them. The last level is moral in the sense of understanding the difference between good and evil, right and wrong. Another element to consider is the presence of mental illness that can affect discernment. They can be divided into five categories. The first is the abnormal development of the intellect in this category. The second is degenerative diseases that gradually lead to the loss of intellectual capacities (such as dementia). Another category is organic diseases that damage the central nervous system leads to loss of its functions (traumas, infections, etc.). Another category is that of psychoses that can be of three kinds. Affective psychoses that are determined to shift affective state to one extreme or the other in this category fall into depression and manic-depressive disorder. Another psychosis is the delusional one, which occurs in the middle-aged people and is being manipulated in the form of persistent ideas broken by reality in this category enters paranoia and systemic delirium. And the third one is that of discordant psychoses in this category

entering schizophrenia. Another category is psychosis induced by the consumption of psychoactive substances, which temporarily lead to psychotic phenomena.

Results and discussions

The discernment is generally considered to be affected at the time of the presence of a disease having three stages in this respect; kept, diminished or absent. As a rule, discernment is preserved in people without mental illness, who is fully responsible for the actions of his actions. Reduced discernment refers most frequently to children aged 14-16 years who can not clearly state the presence or absence of discernment, or in the case of people with mild or partial remission. Absence of discernment is usually observed in people with manifest manifestations of psychosis or in those with mild or debilitating retardation. These people are therefore not responsible for criminal acts committed and are usually the subject of safety measures requiring specialist psychiatric treatment. Substance-induced psychosis, although discernment is absent, does not benefit from clemency from the judiciary, on the contrary, an aggravating factor.

Conclusions

Discernment is a function of the complex synthesis of the human mind that helps us to analyze the consequences of the deeds committed.

A person's criminal liability is dependent on the presence or absence of discernment.

Psychoses, dementia and oligophrenia are the main diseases that lead to the lack of discernment and consequently to the lack of criminal responsibility. Children up to the age of 14 are believed to have no discernment, and those aged 14-16 may have diminished discernment.

The level of consciousness may be affected by the presence of mental illness and consequently has an effect on the state of discernment.

Psychosis induced by the use of psychoactive substances does not benefit from legal cleansing.

The discernment may be present, diminished or absent in the assessment of specialized expertise.

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