

**CRIMINAL PROCEDURE AND CRIMINALISTICS;  
FORENSIC EXAMINATION; OPERATIONAL SEARCH ACTIVITY**

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**PSYCHIATRIC EXAMINATION  
AND THE CONCEPT OF ADEQUACY IN CRIMINAL PROCEEDINGS**

The article deals with the problems of sanity and proving mens rea of the offence of the perpetrator. The author's attention is concentrated on the grounds and purpose of the forensic psychiatric examination, the subjects who make a decision to conduct the examination, as well as the main problems that arise in connection with these matters. Among these issues, it is mentioned that there is no clear indication that requires the examination of the psyche state: the suspect, the accused or the defendant. Also, there is no clear instruction about who should make procedural decisions on the appointment of forensic psychiatric examination: the investigator, the investigating judge, the prosecutor or the court. The article contains the analysis of the content of guilt as an objective category, its components, and how these categories can be reflected in the conclusion of a court expert psychiatrist. The author examines the evidence on the basis of expert opinion, parallels between the content of guilt and sanity of the person. The article also analyses the concept of adequacy, and if the investigator or the court questions the adequacy it will lead to the appointment and carrying out the forensic psychiatric examination to decide on a person's sanity. The authors also suggested its own

definition of adequacy as a criminal legal category for a better understanding of its essence. In his opinion, adequacy is a kind of behaviour that conforms to the rules of socialization, does not question person's mental health, as well as is accompanied by the normal functioning of perception, emotions, mind, will, intellect, memory, etc. The article also discusses the main current problems during the pre-trial investigation and the trial associated with the uncertainty of the procedural steps of the psychiatric examination appointment, the uncertain range of offences, on suspicion or accusation of which the forensic psychiatric examination must necessarily be appointed. Among the proposals to improve criminal law legislation and to solve existing problems arising in the course of investigation and proving the guilt or innocence, to resolve the problems of justice and to form certain algorithms of action, there are amendments to the Criminal Procedural Code that would clearly define the mechanism and forensic psychiatric examination at a certain stage of pre-trial investigation in relation to well-defined categories of serious crimes, which are the offences against a person's life and health, offences against the dignity and integrity, and offences against sexual inviolability.