

## CONCEPT AND VALUE CRIME COMPONENTS

In the science of criminal law of Ukraine the doctrine about crime components is one of the central problems, because the science of criminal law as a whole should serve as a theoretical basis for the development and improvement of the criminal law, to study and to generalize the practice of its application, to cultivate a deep respect for the law, and therefore it is no exaggeration to say that general theory of crime provides the theoretical foundation of the proper construction of institutions and norms of criminal law and practice, the theoretical basis of the rule of law in the administration of justice in criminal cases.

Crime components defining perfect socially dangerous act as criminal. From this definition it follows that the recognition of one or another socially dangerous act as a crime is the exclusive right of the legislator, that's the Verkhovna Rada of Ukraine. Here gets its implementation principle: «There is no crime without instructions on that in the criminal law.» On the other hand, the valid legislation contains a comprehensive list of socially dangerous acts, which are currently defined as criminal. So, in order to make any socially dangerous act that occurs in real life, received the status of the crime, it's necessary that acts of this type were identified by the legislator as criminal. Only a socially dangerous act a person can be prosecuted and may be assigned to criminal punishment. Deviation from this requirement can lead in practice to breaches of law and infringement of the rights of citizens.

Only legislator in the norms of law by fixing the relevant objective and subjective criteria to determine which of the committed socially dangerous acts are crimes. Moreover, the legislator is unable to (but in this case there is no need) allocate regulatory and consolidate the totality of characteristics of a particular crime. Any particular crime (murder, theft, hooliganism) have many characteristics. Many of them do not have a direct attitude to solving

the issue of the criminality and punishability of acts. Therefore, the legislator allocate from the totality of the symptoms characterizing a particular crime, the most important, meaningful and most common, which are equally inherent in all crimes of this type. Consequently, the amount of features that characterize specifically the crime, much wider the scope of legally relevant characteristics that defining socially dangerous acts as a certain type of crime. At the same time crime components appear as a broader concept, as it contains a feature not of one particular crime, but all crimes of this type. Therefore, when establishing the elements of a specific crime components, the crime does not need to go through their identification and the identification in deed, the act and comparison with the characteristics (elements) of a species the concept of a crime fixed in the criminal law. Formulating the specific characteristics of the crime components , the legislator always comes from those enshrined in the norms of the General part of the criminal code of the crime that have a general nature and are part of any crime. For example, we always take into account enshrined in Articles 18, 19 and 22 requirements to the subject of the crime (physical sane person who has reached a certain in the law of age). Therefore, when designing a specific criminal law is not necessary each time to specify the requirements for the general characteristics of the subject of the crime. Just as there is no need for each article of the criminal code to reveal the contents of intent and negligence, as the content of these concepts is enshrined in articles 24 and 25 of the criminal code. So, in the norms of the General part contains only those objective and subjective signs of structure which are inherent in all crimes, or many of them. These signs in combination with signs described in the specific rules of the Special part, and form a specific part of the offense. It is important to note the fact that the crime components - is actually the current system of signs and not the fruit of human imagination or fantasy. But if it is an objective reality, then it is possible to know and use in practice. Of course, when we say that all signs of any structure included in particular the criminal law, it is recognized that these signs are not always obvious, for they to a certain extent formalized in the text of the law can be given both directly and through a system of legal concepts and categories. So, in

Article 185 of the Criminal Code in some detail are fixed the elements of the theft as the secret abduction of another's property. It specified object infringement (someone else's property) described the character of action (secret theft), but at the same time nothing is said about the subject of crime, the form of guilt and other features of the offence. All these signs have the general nature and is therefore enshrined in the norms of the General part, to which we need to address. For example, from the content of articles 18, 19 and 22, it follows that the subject of the theft can only sane person that an offense was fourteen years old. Comparative analysis of articles 24 and 185 shows that the theft as an act that is deliberate and aimed at receiving profit, can only be committed with direct intent. Recognizing the location of the 185 in the system of the Special part (Chapter VI «Crimes against property»), it must be concluded that the object of theft are property relations.

Crime components must be distinguished from the crime (for example, theft committed on January 17, 2016, from the village K.) committed in a certain situation, at a certain time and in a certain place, which differs many of the traits from all the other crimes of this type (for example, theft committed for the first time, by deception, was eliminated protection). Therefore, this crime has many inherent individual characteristics from all other thefts. Crime components is a legal concept of crimes of a certain type (of theft, murder, rape, robbery, etc.), which combined the most important, the most common and universal their signs. So, for example, theft committed by different persons are always different to some extent from each other by their features, but the offence of their crimes are identical, the same. According to this, we can conclude that the volume of evidence of a crime components and crime is different. On the one hand, the volume of crime is wider than the amount of signs of structure because the latter contains only the most common, typed, that is common to all crimes of this type, the signs. On the other hand, the offense is wider for each specific crime, because it contains signs not one specific crime, and signs of all crimes of this type. Along with the components of a particular crime in the theory of criminal law distinguished general concept of a crime. The teaching of the general concept crime components is based on the theoretical

generalization of typed features inherent in the totality of the compounds of specific crimes. Therefore, it is not legal, but the theoretical concept. It summarizes the features that characterize the objective and subjective evidence for all components of a crime provided by the criminal legislation. Different is the practical purpose of general and specific crime components. The general concept crime components as a scientific abstraction, is a means of understanding the particular formulations, provides guidelines for their design, allowing to carry out their scientific classification. The concrete crime components includes everything described in the law are signs of certain types of a crimes. Therefore, the establishment of these signs of socially dangerous actions of the person shows that the crime committed by him or her.

The stated allows to draw the following important conclusions:

- 1) crime components is a specific set of objective and subjective signs that define concrete socially dangerous act as criminal;
- 2) only in the criminal law determines the set of signs;
- 3) the list crime components provided for by the law is comprehensive;
- 4) only crime components determined by the nature and scope of responsibility for the crime.

In the science of criminal law the teaching crime components occupies a special place. This is due both to its relevance to address issues of a crime or criminal acts, the proper qualification of the offense and accurate application of the law, and that under the teaching crime components are studied and developed all the basic institutions of criminal law. According to part 1 of article 2 of the criminal code «criminal liability is committed by a person of a socially dangerous act which constitutes a crime under this Code». This norm is defined critical crime components for the legality and validity of criminal charges: only the totality of all lawful signs of structure (and no other circumstances) can be the basis of criminal responsibility. So, the composition of a crime is the only and sufficient ground for criminal liability: the delineation of its characteristics in specific socially dangerous act of a person means

that there is everything necessary for criminal liability. The importance crime components is manifested in the fact that it permits, firstly, a clear distinction between crimes and misdemeanors, that is non-criminal socially dangerous acts; secondly, to distinguish one crime from any other (for example, theft from robbery).