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QUILT AND ITS FORMS IN THE CRIMINAL LAW OF THE STATE

Understanding the guilt as a legal category is a general theoretical issue of great importance for various branches of law.

The signs that form the subjective side of the crime include: guilt, motive, a purpose of crime and emotional state.

Quilt is the basic and obligatory sign of the subjective aspect of any crime. The fault is the mental attitude of a person to a committed action or inaction, provided for by the Criminal Code and its consequences, expressed in the form of intent or negligence.

In some cases, a criminal law indicates a special emotional state as a sign of a subjective side [4].

The degree of guilt of the subject is determined by:

1. The general danger of the committed act;
2. Features of the mental attitude of the perpetrator: the form of guilt, the nature of intent or negligence;
3. The motive and purpose of the crime;
4. Circumstances that characterize the identity of the perpetrator;
5. The causes of the crime and the conditions that influenced the formation of criminal intent or the commission of a person with negligence [3].

The intention is the most widespread form of guilt: the vast majority of crimes are committed intentionally. The intention is divided into two types - direct and indirect.

Signs of intent:

1. A person's awareness of the social danger of his act;
2. Forecast of its socially dangerous consequences;
3. Desire of occurrence of such consequences or a conscious assumption of their onset.

Direct is the intention, if the person was aware of the socially dangerous nature of his act (actions or inaction), envisaged its socially dangerous consequences and wished them a long time [2].

Indirect is the intention, if the person was aware of the commonly dangerous nature of his act (actions or inaction), envisaged his socially dangerous consequences, and although he did not want to, but deliberately assumed their offensive. [2].

Necessity is a special form of the mental attitude of the perpetrator to the harmful consequences of the act committed by him. The vast majority of

casualties are material. In the case of careless crimes, preparation attempt and complicity are not possible [4].

There are two types of negligence:

- 1) Criminal self-confidence;
- 2) Criminal negligence.

Negligence is a crime of self-confidence, as if the person envisaged the possibility of the onset of socially dangerous consequences of his act (action or inaction), but lightly counted on their distraction [2].

Criminal self-confidence involves two signs - intellectual and volitional.

The second kind of negligent form of guilt is criminal negligence. Negligence is criminal negligence if the person did not anticipate the possibility of getting socially dangerous consequences of his act (actions or inaction), although he was supposed to be able to foresee them [2].

Consequently, each form of guilt includes signs that characterize the consciousness and will of the individual.

English criminal law does not contain a definition of guilt and its forms but is characterized by an indication of a state of mind, directly or indirectly reflected in the definition of a crime [1].

In most cases, such are intentions, carelessness (negligence), negligence and guilty knowledge. Indispensable for the criminal law of England is the existence of provisions on strict liability. Consequently, each form of guilt includes signs that characterize the consciousness and will of a person whose analysis is necessary for specific awareness of the actions of criminals.

Список використаних джерел

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