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AGE PECULIARITIES OF CRIMINAL LIABILITY OF
MINOR:
INTERNATIONAL ASPECT

In accordance with p. 1 item 2 Criminal Code of Ukraine the unique and sufficient foundation of criminal liability is feasant a person publicly of dangerous act which contains a corpus, foreseen the Criminal code of Ukraine delict. In the doctrine of criminal right confessedly dividing of corpus delict is by four elements: object, objective side, subject, subjective side. Absence of one of these elements or one of obligatory signs of these elements possibility of attracting of person to criminal responsibility. Sure, all of elements of corpus delict are even in the general determination [1, a. 3]. But,

appears us, that however much it follows to acknowledge the basic element of corpus delict subject.

The new going near the study of this question require the separate scientific analysis of influence of mental and physical and other features minor on possibility to be acknowledged the subject of criminal responsibility [1, a. 3].

And as the minor are the special offender of such liability, there is a number of features , inherent procedure of attracting of them to criminal responsibility.

Originality of minor as the special offender of criminal liability, foremost , consists in that chronologic age, which stipulates psychical and physiology development of personality , acquisition, by it certain knowledges, skills and abilities, that enables to realize the public ununconcern of the actions and manage them.

In accordance with international Convention about rights for a child from 20.11.1989, which was ratified Decision of Verkhovna Rada of Ukraine from 27.02.1991 № 789-XII, a «child is every human creature to achievement of 18-years-old age» [2, a. 42]. However, in Ukraine gradation of age of child is legislatively set in such age categories: the very young is consider a child to achievement by it fourteen years , minor - in age from fourteen to eighteen years.

In our view position of legislator, which set the special age from which criminal responsibility comes from 14 years, is grounded enough, as the minor in age 11 -13 are unable to forecast public character of the acts exactly after the level of the psychical and physiology development.

It follows to consent, that a criminal legislation which regulates the features of criminal liability of minor needs subsequent perfection and revision. Setting these features a legislator went out from that the norms of penal law must be instrumental in the account of age, socially psychological, психофізичних and other features of development of minor which committed a crime. Complications in achievement of these aims predefined by the age socially psychological lines of minor. In a most degree during perfection of

norms of criminal right it must be taken into account such descriptions: immaturity of thought; shortage of sufficient social experience; instability of psyche; emotionalism; enhanceable suggestibility and suggestibility; propensity is to fantasies.

Taking all this into account, it follows notices, that for the normal functioning of the system of justice in matters about bringing in to criminal liability of minor, it must include for itself: account of age minor; legal guarantees of defence of rights and legal interests of minor; plenitude of individual socially psychological research of personality minor; choice of individual measure of influence and his implementation. Thus, with the purpose of implementation of principle of individualization of criminal punishment and taking into account the age of minor bringing in of them to criminal liability needs the detailed legislative fixing.

List of references

1. Gonchar t. O. Features of criminal liability and punishment of minor in the criminal code of ukraine [electronic resource]. Access mode: <http://www.minjust.gov.ua>.
2. Convention is about rights for the child of 1989: collection of international documents and normatively legal acts of ukraine is on questions of socially legal defense of children. It is k. : logos, 2001. - p. 1. - a. 42-63.