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INTENT AND HIS VIEWS

Intention is a mental attitude in which a person was aware of the public danger of their actions (inaction), envisaged the possibility or inevitability of the onset of socially dangerous consequences and wished them or deliberately assumed the onset of these consequences or was indifferent to them.

The law distinguishes between two types of intent: direct and indirect. Direct intent - this is a mental attitude to the act and its consequences, in which the person was aware of the social danger of

his act (actions or inactivity), envisaged its social hazardous consequences and wanted their offensive (Article 24. 2 of the Criminal Code of Ukraine).

Indirect intentions are such intent when the person was aware of the social danger of his act (actions or inactivity), envisaged his socially dangerous consequences, and although he did not want to, but deliberately assumed their offensive (Article 24. 3 of the Criminal Code of Ukraine).

Direct intent. Intelligent signs of direct intent consist in awareness of the socially dangerous nature of their act (actions or inactivity) and the prediction of its socially dangerous consequences. Although these concepts belong to the same intellectual sphere of mental activity, but they are different in their content.

Indirect intentions. Consciousness with an indirect intention is a similar consciousness in the intentional direct.

And in this case, the consciousness of the person includes an understanding of all the factual circumstances that characterize the objective features of the specific composition of the crime, including the nature and importance of the object and object of the attack, the nature of action and inaction, as well as place, time, method of their committing, etc. It also contains an understanding of public danger, the harmfulness of its act and its consequences.

In this case, the person is clearly aware that it is precisely its concrete action or inaction that can lead to a specific socially dangerous consequence, and thus provides in general the development of a causal connection between the act and the possible consequence.

However, this consequence person provides only as a possible result of his act. The prediction of the inevitability of the onset of an accident with an indirect intention is excluded. The will of the person in this case is not aimed at achieving a socially dangerous consequence. This is precisely the distinguishing feature of the prediction of consequences in the case of indirect intent. But the main essence of the indirect intent - in his will sign.

Peculiarities of intent in crimes with formal composition. It is known that crimes with a formal composition are recognized as complete since the commission of the act and do not require the onset and establishment of any consequences of such an act (threat of murder - Article 129, threat of destruction of property - Article 195, knowingly false notification of a crime - Article 383 of the Criminal Code Ukraine and others). The structure of these syllables of crimes is such that the consequences here lie outside the necessary signs of the objective side, and therefore, the crime. Already, the subject can not want their offensive.

However, this circumstance does not exclude intentional fault. An intellectual sign of intent in these cases includes only the awareness of the socially dangerous nature of its act, the attitude to the consequences does not arise here and it can not arise. A volitional sign intent is limited to the desire to commit a concrete action or inaction. Thus, crimes with a formal composition can only be committed with direct intent.

Types of intentions affect either the qualification of a crime, or the degree of its social danger, and therefore should be taken into account when imposing a punishment.