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CIRCUMSTANCES PRECLUDING CRIMINALITY

According to the Constitution of Ukraine «Everyone has the right to protect his life and health, life and health of others from unlawful encroachments,» because in certain circumstances every right to defend themselves. Outside a protection similar to the crime, but in fact it is not socially dangerous and illegal, and even - socially useful.

Current Criminal Code of Ukraine to circumstances precluding criminality relates to self-defense (art. 36), the imaginary defense (art. 37), the detention of the person committed the crime (art. 38), extreme necessity (art. 39), physical or mental coercion (art. 40), the

execution order or instruction (art. 41), the act carries a risk (art. 42), perform special tasks prevent or uncover criminal activity of an organized group or criminal organization (art. 43) . Often, citizens and officials have to carry out actions that appear on their signs coincide with a particular criminal act (such as murder, destruction of property, abuse of power, etc.), which, however, is not socially dangerous and criminal illegal and conversely, legitimate and recognized typically public benefit (such as taking life one who infringes, in defense of his attack, the use of weapons police officer during the arrest of a dangerous criminal and so on. al.). The research system of circumstances precluding criminality at various times engaged in such Ukrainian and Ukrainian scientists as P. Andrushko, Y. Baulin, L.Vladimirov, L.Husar, M. Durmanov, V. Kozak, V. Stashys, V. Didenko, M. Bazhanova V. Taci, I. Tyszkiewicz, V. Timchenko I. Tkachenko, T. Shavhulidze, M.Yakubovich and others. Characteristic features of the circumstances in question is: what action if such circumstances committed in order to avert the danger of causing serious harm to law enforcement facilities; what a distraction committed, in one case, by causing harm to the person who intentionally commits an offense in another - by causing damage to other values protected by law, to prevent dangerous damage that threatens the other, more important values; that the acts committed by these circumstances have resemblance to the actions and their consequences specified in the rules of criminal law as belonging to certain elements of the crime; that following the circumstances referred recognized legitimate or otherwise - these circumstances precluding criminality.

So under the circumstances precluding criminality, understand the act, whose external features are similar with the offense under criminal law as a crime and that under certain conditions are considered legitimate. In content, the legality of the circumstances precluding criminality can be divided into three types: a) actions for the protection of a person of his personal wealth and his important subjective rights (life, health, freedom, property rights and the inviolability of the home) to protect benefits, rights and freedoms of their family and other rights, public and state property; these actions form the basis of self-defense; b) actions resulting job performance, their professional duties; these actions

are the essence of such circumstances as detaining a person who has committed a crime; physical or mental coercion; execution of an order or orders; justified risk; c) actions to protect against damage by natural forces or the forces that were brought into action by another person or animal from attack; such actions are covered by the notion of «extreme necessity».

List of references

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4. V. Didenko Circumstances precluding criminality / V. Didenko. - K .: Ukrainian Academy of Internal Affairs, 2008. - 140 s.
5. V. Romanenko Reasons classification circumstances precluding criminality / V. Romanenko // Veche. M 2012. - №5. - s. 44
6. V. Timchenko Criminal legal description of the circumstances precluding criminality / V. Timchenko // Legal Ukraine. - 2010. - №2. - s.16-20.