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SPECIAL SUBJECT OF CRIME IN MODERN CRIMINAL LAW OF UKRAINE

Modern development of Ukraine collects all more wide turns, new possibilities are created for forming of proof civil society, new priorities are certain in realization of state-imperious and public activity. The legal system of Ukraine is constantly filled up by the new sources of right, that represent the permanent evolution of our society and serve as irreplaceable instruments in the process of government legal control of public relations.

A criminal right, as well as other basic fields of national law, also develops within the framework of social evolution, executes certain functions and tasks. Regulatory function of criminal law, which is one of the instruments of legal regulation of human relations between society and the state, is expressed in the marginal, educational, isolating, preventive and educational forms.

The criminal law of Ukraine sets maintenance of certain human acts and calls them crimes, except that, determines the measure of state reaction on such behavior, serves as the most imperative field of law, that provides the guard of rights and freedoms of human and citizen, property, public order and public safety, environment, constitutional order of Ukraine from illegal encroachments, provision of peace and security of humanity, and also the prevention of crimes whose content itself determines.

Otherwise, the criminal law by its essence determines the content of the crime, punishment or other measures of criminal law that will be applied to the person who committed it, as well as, accordingly, a person that at presence of certain legal components can be named a criminal.

Every criminal acts have the legal maintenance, consist of the individualized elements that together form the crime. Only the

presence of all elements of the crime could be grounds for bringing the perpetrator to criminal responsibility. Otherwise, in order to be a subject of a specific crime, to form its composition, and as a result of offense of criminal responsibility, a person must comply with certain legal criteria, which are defined by the criminal law- the Criminal Code of Ukraine. Next to it there is a row of crimes, the subject of which the Criminal Code of Ukraine defines only a certain person, endowed with characteristics specific to her and calls it a special subject of crime.

Article 18 of the Criminal Code of Ukraine defines the phenomenon of the subject of the crime as a part of the crime and establishes that the subject of the crime is a physical, convicted person who committed a crime, from that criminal responsibility can come in age. Otherwise, maintenance of foregoing norm gives an opportunity to understand that physical person to answer the concept of subject of crime must have to the duty of signs, to that responsibility and age criminal responsibility can come from that are attributed. Part 2 of Art. 18 of the Criminal Code of Ukraine provides for the presence of a special subject of a crime in criminal law, it may be a physical convicted person who committed in the age from which criminal liability can occur, a crime the subject of which can be only a certain person. Analysis of Sections 1 and 2 of 18 of the Criminal Code of Ukraine, makes it possible to identify two types of subject of a crime- a special one, as provided, as already mentioned, by part first of this norm general, the definition of which was established by scientists on the basis of the analysis of part one.

The signs of the special subject of crime on the maintenance are sufficiently. Then it costs to classify on three groups: signs that characterize a social role and legal position of subject; physical properties of subject; the relationship between the subject and the victim.

To the first group the next personal touches belong: citizenship (for example, the subject of espionage is a foreigner or person without citizenship 114 of the Criminal Code of Ukraine); official position (the subject of misfeasance or by official position is an

official person - century of the Criminal Code of Ukraine); professional activity is a century 139 of the Criminal Code of Ukraine; attitude to military service (for example, the subject of crimes against the established order of military service is a serviceman - article 402-435); certain position is a century 393 of the Criminal Code of Ukraine; participation in a criminal proceeding (for example, the subject of knowingly false testimony is a witness, victim, expert or translator- article 384 of the Criminal Code of Ukraine); previous conviction (for example, by the subject of hooliganism, provided for in part 3 of Article 296 of the Criminal Code of Ukraine, is a person previously convicted of hooliganism).

To the second group: the age of a special subject of crime (for example, the subject of involvement of minors in criminal activity is a person who until the commission of the crime turned 18 years old); the state of health (the subject of infection venereal illness is a person that is ill such illness, is a century 133 of the Criminal Code of Ukraine).

The third group of lines is set by family relations - century 164 of the Criminal Code of Ukraine; official or other relations - 154 of the Criminal Code of Ukraine. Analysing the above-mentioned, it follows to take into account, that in part 2 of century 18 of the Criminal Code of Ukraine is brought only common concept of the special subject of crime. While in the norms of Special part of the Criminal Code of Ukraine taking into account the specifics of the object and the objective side of certain components of crimes, the concept of a special subject of crime finds its concretization.

Summarizing the above thesis of research, I would also like to add that the signs of a special subject up to a point are restrictive, since they determine that one or another offense may not be committed by any person, but only the person who has established a specific norm of the Criminal Code of Ukraine, is inherent only her signs.