

Kononchuk A., Student of
Magistracy of the National
Academy of Internal
Affairs

FEATURES OF CRIMINAL RESPONSIBILITY AND PUNISHMENT OF MINORS

However, the problem of juvenile delinquency is one of them urgent problems of the Ukrainian society in need urgent solution. And given the fact that minors are a special subject of such responsibility, there are a number of peculiarities inherent in the procedure bringing them to criminal responsibility. Of course, the above provisions apply to any category of persons who committed crimes. However, the personality features of these Persons, for example, are related to age, health status, social level development affects their mental attitude to the action and its consequences, perception of factual circumstances expressing the legal nature of that or another crime.

The law provides for an exhaustive list of possible types of punishment applied to a minor. In accordance with Part 1 of Art. 98 these are the main types punishment: 1) fine; 2) public works; 3) corrective labor; 4) arrest; 5) imprisonment for a certain period. On the basis of Part 2 of this article, a minor may be applied to and additional penalties in the form of a fine and deprivation of the right to occupy certain positions or engage in certain activities.

In accordance with Part 1 of Art. 99 fine is applicable only to minors, having independent income, own funds or property, which may be recovered. Part 2 of this article limits the amount of fines: it can to be appointed up to five hundred statutory limits non-taxable minimum incomes of citizens with due consideration a court of the status of minors. Significantly softened juveniles and such types of

punishment as public and corrective work. According to Art. 100 these types of punishment may only be imposed minors from 16 to 18 years of age. In addition, the CC determines more limits maximum terms of imprisonment. Part 1 of Art. 102 provides that imprisonment for persons who did not reach the crime eighteen years of age, can not be appointed for a period of more than ten years, and in cases provided for in Clause 5, Clause 3 of Art. 102 - not more than fifteen years.

Depending on the severity of the crime for which the juvenile has been convicted, imprisonment may be imposed (Part 3 of Article 102): 1) for repeated crimes of minor gravity not more than two years; 2) for a crime of moderate gravity - for a term not exceeding four years; 3) for a grave crime - for a term not exceeding seven years; 4) for a particularly grave crime - for a period of not more than ten years; 5) for a particularly grave crime, combined with intentional deprivation of life rights - for up to fifteen years. Of particular importance is the age-related characteristics of a minor requires the establishment not only of the fact that the person formally reached the age criminal liability, but also clarification of all individual psychophysical properties of minors of a certain age. Practice goes on the way of exclusion of criminal liability and punishment against those minors who, although reaching the age from which responsibility is established. However, they are lagging behind (not in connection with mental illness) in the mental development from a level typical of this age that determines the possibility to realize the actual signs and social danger of the perpetrator.

Thus, the analysis of theoretical studies of criminal science law, judicial practice and the practical application of educational measures the nature of the juvenile, give rise to the following conclusions:

1. Types of penalties provided for by the criminal law regarding minors, need some modernization for efficiency in application courts, since most often imprisonment is applied to a certain period.

2. Individualization of punishment taking into account the characteristics of the subject-crime (living conditions and upbringing, psychological development and maturation), as showed judicial practice, is at a rather low level.

3. The complexity of imposing this kind of punishment as a fine. In connection with the reluctance of employers to formalize employment minors, this makes it impossible for the court to impose such a form responsibility.

4. Public works have a high rate of efficiency and international experience shows the positive impact of this type of punishment, on the contrary, its level of appointment in Ukraine is extremely low.

Therefore, it is necessary to update the methodological approach to sanctions that apply to minors to expand their types and personalization in the choice of punishment. We believe that today public works are acting the most effective, most effective type of punishment for minors.

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