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### **Realization of Fairness Principle in Criminal Law of Ukraine**

The question of the value of fairness principle is one of the most difficult and at the same time most important in criminal law. It is no doubt that unfairness in such a sphere, which is regulated by criminal law, has the most sufficient consequences for a person or for the society or for the person and the society. There is no doubt, that the unfairness, which exists in criminal law relations always cause the most sharp reactions from the society and from certain persons and may be prerequisite by the unlawful criminal liability as far as by not bringing to such liability if there were all grounds for such. Despite of obvious reasonableness of such a conclusion, the criminal legislation does not use the term «fairness», which however, for our opinion does not prove the fairness stays above the criminal law.

The results of analysis of scientific sources and provisions of Criminal Code of Ukraine give us the basis for conclusion of existence of numerous displays of fairness principle in criminal law, despite the absence of its legal definition. Herewith should be noted that such displays are provided in General Part of Criminal Code of Ukraine as far as in its Special Part, since of the most important displays of fairness principle is the fact of providing criminal liability for the offenses, which because of its legal nature should prerequisite criminal liability.

The great value is also acquired for such fairness displays, which are connected to the process of sentencing for offence. In such

a process, because of wide court discretion, the providing of fairness the more attention should be paid to the process of law enforcement. At the same time, the displays of fairness principle take place in other numerous criminal law institutes: circumstances precluding criminality, institute of complicity, institute of attempted crime, etc.

**Keywords:** general principles of criminal law; justice; punishment; sentencing; regulatory definitions.

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#### **Реализация принципа справедливости в уголовном законе Украины**

Исследованы научные источники и проанализированы нормы украинского законодательства касательно проблем определения проявлений принципа справедливости. Констатировано наличие основ справедливости в уголовном праве, несмотря на отсутствие ее легальной дефиниции. Поддержаны позиции ученых, которые ставят вопрос о необходимости определения принципа данного в уголовном законодательстве.

**Ключевые слова:** общие принципы уголовного права; справедливость; наказание; назначение наказания; нормативное определение.