

FEATURES OF CRIMINAL RESPONSIBILITY OF MINOR

A problem of committing crime minor is actual, that it is straight related to present time. Changes in society, that take place, directly influence on the height of juvenile delinquency.

Minor, in a legislation, persons that attained age of criminal responsibility (id est. 16, and in envisaged by the Criminal code of Ukraine cases 14) confess, but that yet was not 18 ago.

It is statutory that a commission of crime minor is by a circumstance that commutes sentence. It is related to that the minor is the special subject of criminal responsibility, that to the extent of the physical and psychical development can not in a complete measure realize the public danger of the actions.

Next to generals, that regulate the question of criminal responsibility of persons that committed crime, a penal law determines the certain features of criminal responsibility and punishment of minor.

A legislator determines general age of criminal responsibility, if a person attained age 16 to the moment of feausance by her to the crime and magnetic age of criminal responsibility, person in age from 14 16 to. They are subject to criminal responsibility for such types of crimes, as: murder, intentionally heavy bodily harm, raping, hooliganism and other.

The decline of age of criminal responsibility consists in that a person already in 14-years-old age realizes a public danger of many grave crimes.

Although in a law clearly certain age of criminal responsibility and to put in age from 11 14 to can not be the subjects of crime, but ч. 2 century 97 the Criminal code determines that to such persons force events of educator character can be applied on the observance of the terms envisaged by the special part of the Criminal code.

Having regard to that some types of grave crimes accomplish minor to the moment executions to them 14 and the actions they could realize in a complete measure, some scientists from this range of problems, suggest to make alteration in a criminal legislation in relation to age of criminal responsibility of minor.

In obedience to a century 105 KK the minor that committed crime small or middle weight can be exempt a court from punishment, if it will be confessed that as a result of sincere repentance and further irreproachable behaviour he in the moment of sentencing does not need application of punishment. In this case a court is decreed it is considered by an accusatory sentence without awarding punishment and person such that does not have a conviction. At the same time a court appoints such force events of educator character :

- warning;
- limitation of leisure and establishment of the special requirements to behaviour minor;
- transmission minor under a supervision paternal or persons that change them, or under the supervision of pedagogical or labour collective after his consent, and also separate citizens on their request;
- laying-on on minor, that attained fifteen years old age and has property, money or earnings, to the duty of reimbursement of the caused property losses;
- direction minor in the special educational-educator establishment for children and teenagers to his correction, but on a term that does not exceed three years.

To minor it can be applied a few events of educator character. A court can also consider necessary to appoint to minor an educator in the order statutory.

A release from criminal responsibility with application of these events of influence is not criminal punishment.

The minor rids of criminal responsibility if from the day of commission of to them crime and to the set of legal force a sentence such terms passed:

- 2-years - for the commission of crime of small weight;
- 5 -years - for the commission of crime of middle weight;
- 7-years - for the commission of grave crime;
- 10-years - for the commission of especially grave crime.

A person rids also of serving of punishment, if from the day of inuring he was not executed an accusatory sentence in the same terms.

If a person that committed crime avoided investigation and court, accomplished a new crime or avoided serving of punishment, motion of these terms is stopped or interrupted and begins from the day of commission of new crime or from the day of appearance of convict for serving punishment.

Only in case of conviction minor to imprisonment to him a release is used from serving of punishment.

The term of examination is set from 1 2th to. A court can lay on an individual on her consent or on her request duty in relation to a supervision after convict and realization with him of educator work.

If the convict did not become on the way of correction, was attracted for systematic offences to administrative responsibility, a court directs him for serving awarded punishment, and in case of commission of new crime during the term of examination a court awards punishment to him after totality of sentences.

To minor that depart punishment as imprisonment, a conditional pre-term release can be applied from serving of punishment. It it can be applied subject to condition, if convict conscientious behaviour and attitude toward labour and studies led to the correction.

It is used depending on character and degree of weight of perfect crime after the actual serving of certain term of imprisonment is not less one third; not less than half; not less than two one third. In case of feausance after conditional

pre-term liberation during undisclosed part of punishment of new crime a court awards punishment after totality of sentences undisclosed part of punishment on a previous sentence joins.

Cramps to minor the next types of punishments can be applied:

-fine;

-social works;

-correctional works;

-imprisonment is on a certain term.

A fine is used only to minor, that have an independent acuests, personal funds or property. The size of fine is set in limits to 500 untaxable minimums of acuestss of citizens depending on weight of perfect crime and him the property state.

Social and correctional works.

These types of punishments can be appointed by minor 18 from 16 to. Social works are appointed for a term from 30 to 120 hours with the use of their in free of studies or work time, but no more 2 hours on a day. Correctional works can be assigned at the place of work for a term from 2th months 1 to with deduction in the acuests of the state from 5% to 10% earnings.

An arrest consists in holding minor that in the moment of sentencing attained 16, in the conditions of isolation in the special adjusted establishments on a term a from 15 to 45 twenty-four hours.

Imprisonment is on a certain term.

Punishment as imprisonment to the persons that did not attain there are 18 to the feasance to the crime, not can be assigned for a term 10 more than, but in case of commission of especially grave crime, life of man connected with intentional privation - can not be assigned for a term 15 more than.

Imprisonment can not be appointed minor, if he first committed crime small weight.

To minor additional punishments can be applied as a fine or privation of right to hold certain positions or carry on certain activity.

Thus, criminal responsibility of minor has the specific and consists in a release from criminal responsibility of such category of persons, in the choice of types of punishment to them, in awarded punishment and his servings, in redemption and removal of previous conviction. Taking into account all features of current criminal legislation, it should be noted that it needs a certain improvement in relation to bringing in of minor to criminal responsibility and to take into account age-old and psychological maturity of minor, guarantees of defence.