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ON THE CONCEPT OF CLEARNESS OF CRIMINAL LAW

In the article, the concept of clearness is examined foremost as a requirement to the legal instruments. It is indicated that the clear system of requirements is absent in science. There is a tactlessly great number and variety of such requirements. In the article the semantic value of lexemes "clarity", "availability" and their correlation with a word "clearness" are investigated. As a result, it is claimed that a word "clearness" is a wider concept than the concepts of "availability" and "clarity".

On the basis of analysis of legal literature, it is determined that concept "clearness" is a property of document, which depends on the observance of certain requirements, and among these requirements – availability, clarity and simplicity.

It is specified that the concept of clearness closely co-operates with the psychological category of understanding

as a certain action of person. Attention is paid to the necessity of taking into account of coincidence of understanding as the psychological state of addressee with opinion of the addresser of the certain communicative system (legal instruments).

Determining a term "clearness of criminal law", the author adheres to the idea that a criminal law has to be understood as sociocultural construct aimed at adjusting of group and individual behaviour by complex influence on the participants of criminal legal relationships.

The author of the article offers such definition: the clearness of criminal law is a property of text that consists in the observance of totality of the language means by legislator aimed at the achievement of easy perception and understanding of regulations by all the subjects of criminal relations.