



O. Pushkar

Degree Seeking Applicant,
National Academy of Prosecution of Ukraine

PRESSING ISSUES OF COMPLEX GUILT IN CRIMES RELATED TO VIOLATION OF SPECIAL RULES

Complex guilt issue in crimes that are related to special rules violation is researched in the article. In particular, the general definition of “guilt” term is given. At the same time, the point of view concerning the fact that within specific corpus delicti the “guilt” can be not only in form of intent or particularly in form of recklessness but it can be “complex” as well is indicated. It flows up from the actus reus features in some kinds of corpus delicti. Given this conclusion, the contemplation is proposed to the extent that it is necessary to consider so called “complex” guilt.

Concerning the crimes that possibly can include a “complex guilt”, two main types of crime with complex guilt are specified in the contemporary educational materials. Thus, in first case, there are crimes with aggravating corpus delicti providing intent as to the deed and to the near consequences, and recklessness

as to other possible severe consequences. In other cases, the “guilt” is provided only in relation to the deeds, which becomes felonious in case of socially dangerous consequences occurrence that has causal connection to the deed thereof (e.g. art. 286 of the Criminal Code of Ukraine).

However, there is a standpoint concerning the fact that the determination of crimes with complex guilt form shall be based on the other criteria, namely, firstly, in case when the law provides intentional attitude of the guilty person as to the deed where there is a possibility of recklessness of ensuing consequences. Secondly, considering the elements of actus reus, its legislative formulation – there is a statement of the necessity of precise specification of actus reus, which underlies the structure of corpus delicti and primarily specifies social danger of the occurred.

