

considered loaded in mainstream media, where terms such as «abortion rights» or «anti-abortion» are generally preferred.

To sum up, the right to life is a vital right which shouldn't ever be violated.

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## **PRINCIPLES OF CRIMINAL LIABILITY**

Criminal liability can be defined as «an act that may be prosecuted by the state in accordance with the state's criminal code.» Someone is criminally liable for actions that break the law if a person broke the law knowingly and willfully and if the person exhibited reckless behavior which resulted in a crime or acted with criminal negligence.

Principles of criminal liability are divided into two groups:

### **1. General**

— The principle of legality means application of criminal liability in accordance with Criminal Code and in strict accordance with it. This means deviation from legal instructions for reasons of expediency, for the sake of personal, situational, and political interests. Crime and legal consequences of criminal actions and must be determined only by criminal law in force at the time of the crime.

— The principle of equality of citizens before the law involves:

a) Realization of criminal liability in the interests of society as a whole and not in the interests of individuals or social groups.

b) Equal responsibility of all citizens before the law, persons who have committed crimes are equal before the law and should be prosecuted regardless of gender, race, nationality, language, origin, property and official status, place of residence, religion, beliefs, their belonging to associations and other circumstances.

— The principle of inevitability of criminal liability means that every person who is guilty must undergo punishment or other measures of criminal liability if there are no legal grounds for release from such liability.

— The principle of personal liability involves two main points:

a) personal responsibility means that criminal charges may be brought only to the person who committed the crime, and this responsibility under any circumstances can not be transferred to any other person;

b) The principle of personal liability means that a person criminally liable will be drawn only if the court in accordance with the law will find that a person is guilty of committing the act or causing consequences under the Criminal Code.

— The principle of justice:

This principle means that the conduct should be criminalized only if it directly corresponds with the principles of public morality in evaluating a particular human behavior.

## 2. Special principles:

### — The principle of personalization:

This principle means that when the punishment is determined all the circumstances of it, should be thoroughly considered, all evidence should be studied in order to define the punishment according to the principle of justice mentioned above.

### — The principle of individualization:

This principle ensures that criminal liability is an asset which changes along with the offender. To make this principle work there are two borders of sanction in the Criminal Code. Moreover, a lot of facts about the individual should be considered (i.e. sanity, age, citizenship, etc) in order to classify the crime and individualize liability.

### — Mens Rea, The Guilty Mind

An element of every crime (with the exception of \*»strict liability«), is the state of mind. This state of mind is referred to as mens rea. This is Latin for «guilty mind». Mens rea is the defendant's state of mind when he commits illegal actions.

### — Actus Reus, The Criminal Act

There is no punishment for thinking about a criminal act. Crime must have an actus reus, which stands for bad act. A defendant has committed the actus reus of an offence if he committed an act i.e. an action prohibited by law. Most crimes consist of a defined set of actions that are prohibited taken together.

It is not a crime to carry any item around in a store. It is not a crime to walk out of a shop. It may be a crime to walk out of the shop, with an item, not paying for it. The act of walking out of the store without paying for an item is the actus reus. For it to be a crime, it must be done knowingly. The actus reus and the mens rea must take place together.

To put it in a nutshell, criminal liability can be characterized by many principles, which may differ depending on the law system but in the end, the only thing that matters is understanding that criminal liability should not be encountered

## References

1. Criminal Code of Ukraine. – Access mode: <http://zakon3.rada.gov.ua/laws/show/2341-14>