

Oleksandr A. Kyrychenko,

Doctor of Law, Professor

*(Mykolaiv National University named after V. O. Sukhomlynskyi,
Mykolaiv, Ukraine)*

NEW DOCTRINE OF CRIMINAL OFFENCES: ASPECT OF DISCUSSION

Problem's setting. Illogical and sudden appearance of the concept "criminal petty offence", along with the concepts "criminal offences", "crime", etc. in the new edition of the Art. 215 and others of the Criminal Procedural Code of Ukraine, while keeping the concept of a crime in the Art. 11 of the Criminal Code of Ukraine and its species division according to the degree of severity into treasons, felonies, misdemeanors and minor offences in the s. 1 of the Art. 12 of this Code, has raised scientific discussion.

Analysis of recent studies. A lot of authors, who illogically tried to ground the appearance of criminal petty offence as a variety of criminal offences started the discussion. It is more correct to separate the fifth type of crimes of minor severity in the frames of species division of offences. There is a number of other new doctrines of jurisprudence related to this issue.

Objective of the research. Purposeful research of the species division of criminal offences in the context of these doctrines of jurisprudence is the objective of this publication.

The main part. The doctrine of the limits of lawfulness of social subjects' conduct reveals the essence of the new doctrine of criminal offences, when the limits of relative freedom of lawful behavior of social subjects end where violation under the laws of the subjective legal status of another social subject begins; and the limit of the absolute freedom of lawful behavior of a social subject is the beginning of violation of the natural status of a social subject. The balance of legal status of social subjects (rights, freedoms, responsibilities, interests) is very significant, when the duty of knowledge, recognition, provision and recovery of the status is the responsibility of the state.

Improved the species division of criminal offences taking into account the new species division of legal facts presupposes the existence of criminal offences-acts (crimes, "para-crimes", quasi-crimes, "para-quasi-crimes", "para-accidents") and criminal offences-phenomena (accidents). The author also outlines mini-crimes in the form of administrative, disciplinary, de facto property and contractual and de jure property and contractual offences-acts ("offences-acts", "para-offences-acts", "quasi-offences-acts", "quasi-para-offences-acts", "para-incident-acts") and mini-offences-phenomena (incidents).

The division of administrative, disciplinary, de facto property and contractual and de jure property and contractual violations into crimes and misdemeanors is possible in principle, but it will lead to unwanted decodification of anti-criminal legislation.

Conclusions and perspectives of development.

Considered the author's version of the new doctrine of the essence and species division of offences is not intended for the final solution of this problem, but it is quite suitable for the joint development of universally accepted doctrine of offences.

Key words: *legal status of social subjects, criminal offences, crimes, "para-crimes", quasi-crime.*

