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**CRIMINAL LEGAL EFFECT: PROBLEMS OF DEFINITION**

**Summary.** The article presents the analysis of scientists positions on the definition of criminal law, its nature, characteristics and so on to build the basis of the concept proposed criminal law on its integrative understanding, which includes the strategy and tactics of penal policy and its implementation in the form of criminal law, the practice of implementation of the norms and principles of criminal law in the context of the whole system of social, economic, Cultural and other relations of society against crime.

**Keywords:** criminal law, the measures under criminal law, the measures under criminal law.

**Formulation of the problem.** Criminal legal effect - one of the most significant and conceptually important concepts that are used sciences of a criminal cycle. Currently, acute problem of system specifications criminal sphere, without which it is impossible to create an effective and efficient criminal legal effect. In this context, the criminal legal effect - a key component in the system events that are created by the state in combating crime. The importance and the exceptional importance of this concept is defined at least in that it is considered by many scholars, cover immediately all criminal law, which includes criminal law, criminal law and criminal law policy. As pointed NA Lopashenko, this three-dimensionality of criminal legal action accumulates the concept of crime and everything associated with it [1, 7]. The aim of the article is to analyze the doctrinal position regarding the definition of criminal legal exposure and the development of proposals for its improvement. Analysis of the latest research and selection of previously unsolved problems in analyzing problems definition, nature and characteristics of criminal legal action to pay attention to these foreign and domestic scholars, criminologists: Anisimov DI, Bavsun MV, Vecherova EM, Duyunov VK, Yesakov GA, Kogan VM, Kozachenko OV Lopashenko NA Miroshnichenko DV, Mitrofanov I., Tula V., Firsov A . P. and others. However, it should be noted that the traditional questions about the nature of this phenomenon, its characteristics, system characteristics, specific functional features, in fact the definition of criminal legal action - are in the space of discussion on the theory of criminal law. Presentation of the material. In modern science, criminal law can highlight some of the most influential approaches to understanding the impact of criminal law.The first relates to the fact that the criminal-legal influence is seen as a form of state coercion, that is, as a form of action criminal law [2, 7]. One can hardly disagree with that view criminal legal action, though, because it does not show those specific properties that would allow distinguishing between criminal and legal impact on other areas of law, such as administrative and legal enforcement, procedural influence others. Compelling, in our view, is the only formal criterion that indicates the trappings of criminal activities, but not criminal legal action in general. More controversial is the position of the Russian researcher VK Duyunova whereby the inner meaning of criminal legal action expressed in brown [3, 27]. Sometimes he even identifies these concepts ("criminal pravovyyplyv (penalty)" [4, 28]). In applying this approach raises a number of regular problems. Thus, if the penalty considered as domestic content (ie nature) criminal legal action, it must be punitive all manifestations of such effects. By VK Duyunovym, These include: - preventive effect of criminal law - exemption from liability for non-discharging circumstances;- Bringing the guilty to justice with the use of appropriate penalties or other measures of criminal law influence;- Convicted of the special legal status - Criminal [3, 86-87]. It appears that lists the scholar aspects of criminal law impact simply can not be characterized by only one criterion - a punitive nature. As we have repeatedly stated range of activities defined as criminal law response to crime is quite broad. In criminal law science and criminology are often divided into punitive and nekaralni. In addition, there are many measures that contain both punitive and nekaralni elements. Thus, the penalty can not be regarded as an essential characteristic of criminal legal action. A fair penalty associated with criminal punishment, and it is criminal in nature distinguishes it from other measures of criminal law, expressing the highest degree of intensity, strength and duration of the criminal legal impact on the person. The fair in this context is the idea of ​​EM Vecherovoyi that "punishment and punishment within the criminal legal action is ultima ratio (last argument) that is used only when it is impossible to achieve the expected result less repressive ways" [5, 95] . Although the researcher also tend to view the criminal legal effect in the context of the problems of punishment, considering his two major types: punitive and nekaralnyy. This punitive criminal legal effect is realized in the form of punishment, and nekaralnyy exists in the form of exemption from criminal liability, either in remission or his departure [6, 35].Another equally common tendency consideration of criminal legal action - is its identification of its mechanism, or, more likely, a system of criminal activities. Proponents of this approach is DI Anisimov, who notes that the criminal legal effect as a reaction to the state crime appears in three forms: exemption from criminal liability, punishment and exemption from punishment. Each form of criminal legal action, thus, includes a set of tools, which is its specification [7, 82]. With wider position treats criminal activities OV Kozachenko, as envisaged by the Criminal Code means to influence the behavior of the person who committed socially dangerous act, how to exercise responsibility and punishment, and to restore the right violated, re, etc. [8 , 43].The identification of criminal legal action and criminal activities that apply to a person who committed socially dangerous act is quite common doctrinal position. However, this obvious logical error arises when there is a need to distinguish the specific basic concepts of criminal law (penal regulation, criminal liability) as a statement of purely "mechanistic" nature of these phenomena not only prevents analysis of criminal law, but also reduces the effectiveness of criminal legal action. Therefore, the concept of "mechanism criminal legal action" a sand the concept of "criminal activities" - is only facets, aspects of a more comprehensive and complex phenomenon, which is the criminal legal effect.Criticizing such unjustified identification with a different approach - teleological - VF Shiryaev writes that integrative property of all criminal legal action is the only result, which directed all its elements: the renewal of social justice, corrections convicted and prevent new crimes. Hence the system of criminal legal exposure author defines as a system of criminal activities with main or auxiliary character, and the combined result of his direction, expressed purposes of punishment, criminal law regulated [9, 49]. It seems that the criterion for determining criminal legal action chosen quite well. The aim is perfect or a real object of conscious or unconscious desire of the subject, the end result, which is directed process. In correlation category of "objective" and "means" dominates first, because in the praxeological sense of purpose corrects instrumental relevance and effectiveness of the rational choice of means [10, 317, 320]. Actually, this approach allows to clearly distinguish between the criminal law and the impact of measures criminal law, which identified, for example, the authors of the collective monograph "Criminal legal effect" (2012) [2, 22]. Criminal legal effect, according to the author, aims to establish social justice and to prevent the breach thereof, and in case of violation: rapid and efficient recovery. It measures criminal law act secondary elements of the system, ie, the means by which the appropriate result is achieved. Although methodologically valid basis for his concept, V. Shiryaev failed to overcome some of isolationism and dogmatism, since hardly the whole system of criminal legal action aimed solely at punishing criminals. Again, punishment - just one of many possible tools with which acts criminal law. A similar concept justifies AP Firsov. It also comes with a teleological criterion characterizing criminal legal effect, but it extends slightly beyond the conceptual notion. It defines criminal legal effect as purposeful active state, which is based on criminal law enforcement impact through deprivation or restriction of the rights and freedoms of the person who committed socially dangerous act [11, 99-100].However, there is a certain one-sidedness in the perception of the nature of criminal legal action, which is only from the punishment. It seems fair view VO Tula, which provides, along with penalties and measures of security, social security, compensation and criminal law encouraging [12, 140]. Another possible approach is to characterize the nature of criminal law and structural effects. With this approach, specific criminal legal action disclosed prism analysis of its components. Thus, according to V. Maltsev, the components of the criminal legal action are the elements that characterize the general direction of the criminal law, namely criminal regulatory and criminal protective components. Thus, according to the researcher, these two elements of criminal legal action, penetrate each other when guarding, criminal law governing those relationships, and regulating, guarding [13, 74-75]. Alternatively, the structural approach expressed scientific development VM Kogan. For him social mechanism criminal legal action is the moral content of criminal law, criminal justice activities and negative consequences for the offender [14, 117].At the same time, we believe that the most appropriate and methodologically grounded looks integrative approach to understanding criminal legal action, in which unite all means, mechanisms and institutions that characterize the interaction of the state, society and crime. In this context, the criminal legal effect is a system that permeates the entire criminal sphere, both at the level of the criminal law, criminal, legal, and at the level of justice, criminal policy and more. Integrative approach to understanding criminal law allows to characterize its impact on two main areas, as does DV Myroshnycheno: the regulatory and value-normative senses. Regulatory criminal legal effect appears as an adequate reflection of the subjective information contained in criminal law, expressed in respect of criminal legal status and problems of criminal law. Value-normative criminal legal effect appears as an objective realization of the subject of his criminal-legal status, motivated by a desire to implement within the legal their legitimate interests of freedom [15, 8].Integrative approach also allows to demonstrate the unity of the regulatory and practical components of the criminal legal action. As the MV Bavsun, criminal legal action should be recognized not only the specific activities of the state to regulate social relations that arise about the crimes, but the actual work of law enforcement on the practical application of the existing state-level means of combating crime. This allows the researcher to identify criminal legal effect as a purposeful activity of the state, its agencies, and authorized persons to create, and practical means of combating crime in order to achieve socially beneficial results, as well as regulation of relationsarising from violation of existing criminal prohibitions [16, 102]. One of the most successful integrative concepts of criminal legal action represented by the works N. Lopashenko. Considering the legal, legislative and political aspects of criminal legal action, the researcher notes that only in this trinity umozhlyvlyuyetsya criminal lawimpact as a complex structure effects on crime [1, 12].In this case, each of the elements of criminal law inflow complements each other and revealed other elements. This criminal policy is the binder element, which combines the criminal law of practice. Integrative approach to understanding criminal legal action can reveal the whole system of legal dimension of the phenomena covered by the concept of "criminal" and are therefore as outside the criminal law and the limits of criminal law as such, including a determination of the social aspects of crime political issues criminalization and penalization humanizing effect on criminals and crime in general. Finally, a fundamental and important component of criminal law enforcement and the impact is penal on practice, characterized by its own system of principles and methods.

**Conclusions.** Thus, we can emphasize that the methodological basis of the concept of criminal legal action should stand on its integrative understanding that involves strategy and tactics of penal policy and its implementation in the form of criminal law practice the norms and principles of criminal law in the context of social, economic, cultural and other relations of society against crime.

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**Березовский А.А. Уголовно-правовое воздействие: проблемы определения**

**Аннотация.** В статье осуществлен анализ позиций ученых по проблемам определения понятия уголовно-правового воздействия, его сущности, признаков и т. д. Предложено выстраивать основы концепции уголовно-правового воздействия на его интегративном понимании, включающем в себя стратегию и тактику уголовно-правовой политики и ее реализацию в виде уголовного законодательства, практику реализации норм и принципов уголовного права в контексте всей системы социальных, экономических, культурных и других отношений общества с преступностью.

**Ключевые слова:** уголовно-правовое воздействие, меры уголовно-правового воздействия, меры уголовно-правового характера.

**Berezovsky A.A. Criminal legal effect: problems of definition**

**Summary.** The article presents the analysis of scientists positions on the definition of criminal law, its nature, characteristics and so on to build the basis of the concept proposed criminal law on its integrative understanding, which includes the strategy and tactics of penal policy and its implementation in the form of criminal law, the practice of implementation of the norms and principles of criminal law in the context of the whole system of social, economic, cultural, and other relations of society against crime.

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