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SOME AXIOLOGICAL ASPECTS OF THE FUNCTIONS OF CRIMINAL LIABILITY

The axiological ground of the concept of criminal liability or its functions is relevant, because, in fact, the juristically positivistic doctrine keeps dominating (it is one of the manifestations of the value crisis). Though the positivistic jurisprudence hides behind the formal equality (e.g. in court), equal accessibility to qualified legal assistance, etc., it is focused on the empirical values, the recognition of any success, even if it is unjust, if there is no formal conflict with legal regulations. This pragmatic, value-neutral or even nihilistic jurisprudence represents law as the special legal instrument designed to service the political ambitions, business, but it deletes law as the high spiritual phenomenon that brings timeless, universal principles.

In order to reveal the axiological aspects of the functions of criminal liability, it is necessary to clarify the value content of the functions of legal liability.

Legal liability is revealed due to its functions, through its social purpose and goal. That is, the functions of le-

gal liability are determined by its aim, purpose, the objective regularities of social development, the processes of state building and law-making. Each function of legal liability corresponds to a certain goal, which is set by a state; in this case legal liability is one of the means to achieve it.

Characterizing the axiological aspects of the functions of criminal liability, it is necessary to resume that criminal liability is central to the kinds of legal liability system and it aims at ensuring law and order in society and at using measures of negative and compulsory nature to persons – members of society who have committed crimes. This is the first point. Secondly, the criminal liability has the state and power value, which describes it as being derived from a state, represented and by its authorities, which have the empowerments fixed in the law. Thirdly, the criminal liability has punishing value, as it allows, with the help of penalties, to correct and prevent further commissions of offenses by persons who committed them in the past.

Fourthly, the criminal liability has the restoring value which identifies it as the mean to restore the violated rights of victims of crime.

In general, the axiology in criminal law is intended to determine the ideal

values of criminal law, on the one hand, and to ascertain the real social values of the criminal law – on the other. This approach will improve the criminal law and make it more effective, more “working” and the most relevant.