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FORMALIZATION OF EVALUATIVE NOTIONS AS A WAY TO IMPROVE CRIMINAL SANCTIONS WITH DUAL FORM OF GUILT

The analysis of the Criminal Code of Ukraine provide the ground to believe that legislator often uses the evaluative notions forming the regulations of criminal law, particularly when describing the elements of the crime. In current legal realities the use of such estimative notions actually is one way of forming the criminal law material the application of which is the basis for more than a half of the articles of the Criminal Code of Ukraine.

This article focuses on determining the effect of the using of such evaluative notions in the disposition of criminal law sanctions on its structure, particularly, in crimes with dual form of guilt. The objectives of the article is to describe features of the most frequently used estimative notions and provide recommendations for the improvement of criminal law in further mentioned direction.

This article presents the variety of opinions concerning the definition of the

evaluative notion, reasons and consequences of using the evaluative notions in the criminal law.

According to the received results of this study, it is concluded that formalization of estimative notions will contribute to concretization of disposition of criminal regulations that in its turn will allow narrowing down the limits of criminal sanctions, including crimes with dual form of guilt, describing the features of the objective side, which estimative notions often use.

At the same time, the guarantee of the correct using of evaluative notions is the establishment of the full list of cases that fall under a particular estimative notion. Only in case of inability to check all cases covered by this notion, it is possible to limit by approximate list. The availability of this list will significantly reduce the risk of judicial error.