

L. Timofieieva
Postgraduate Student
Department of Criminal Law,
National University "Odessa Law Academy"

THE PRINCIPLE OF HUMANISM AND ITS REFLECTION IN THE CRIMINAL LAW: COMPARATIVE LEGAL CHARACTERISTIC

This article is about the principle of humanism in the criminal law. The research is based on positions of international law, national and foreign legislation. Among the scholars who researched realization of the principle of humanism there are V.O. Hatseliuk, N.A. Lopashenko, V.V. Maltsev, N.A. Orlova, T.R. Sabitov, V.O. Tuliakov, V.D. Filimonov, N.I. Khavroniuk etc.

Humanism is a progressive philosophy. We researched the principle of humanism as general principle of law, especially criminal law.

The principle of humanism reflects the institutes of mitigation, aggravation of circumstances, retroactive effect of the law on criminal liability in time, discharge from probation, amnesty, pardon etc. Article 3 of the Convention for the

Protection of Human Rights and Fundamental Freedoms, Article 5 of the Universal Declaration of Human Rights and the Criminal Code of Ukraine, Russia etc. provide prohibition of torture. No one shall be subjected to torture or to inhuman or degrading treatment or punishment. Article 7 of the Criminal Code of the Russian Federation enshrines the principle of humanism.

Implementation of the principle of humanism as a principle of criminal law is interpreted at three levels: legislative, judicial, and doctrinal. The principles of humanism may be reflected in a separate article of the Criminal Code. The principle of humanism must be balanced with their realization as to subjects of criminal law relations. Subjects of criminal law relations are criminal, victim, society and the state.