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FICTION IN THE LEGISLATIVE FRAMEWORK OF REPETITION OF CRIMES

One of the urgent tasks for both theory and practice is the issue of improvement and specification of criminal legislation of Ukraine, increasing the effectiveness of its regulations. Analysis of the legal nature of fictions in the criminal law, particularly fictions within the framework of repetition of crime, becomes relevant.

Repetition, aggregate and recidivism of crimes are different forms of multiple crimes, each of which has a specific criminal content. However, this content is defined in the Criminal Code of Ukraine in such a way that some of these forms are not mutually exclusive, that is why commit of two or more crimes by

a person may, under appropriate conditions, form an aggregate and repetition, repetition and recidivism.

Criminal fiction of the institute of repetition of crimes is expressed in cause-and-effect connection with the fictions of other institutes of criminal law in Ukraine. The problem of fictitious regulations of the institute of repetition of crime is manifested in the fact that not all the facts of conduct of two or more offenses by a person fall under the concept of repetition. In practice, distinction of repetition and multiple crimes is often difficult, which determines the need for improvement of nomenclature of criminal law in Ukraine.