

## **CRIMINAL LAW AND PROCESS**

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### **SCIENTIFIC AND THEORETICAL ANALYSIS OF THE ORIGINS OF THE INSTITUTION OF THE CRIMINAL OFFENSE**

Questions of legislative fixing of institute of criminal offense were repeatedly brought up in scientific literature. This question was discussed widely by the public.

Active discussion of the matter began with adoption of the Concept about reforming of criminal justice.

The main criterion of differentiation of offense and crime is public danger. Many scientists carry crimes of small severity to offenses and separate administrative offenses.

Realization problems in the criminal legislation of questions of responsibility for offenses and crimes are discussed at conferences and seminars.

Many scientists consider inexpedient introduction of criminal offense to the legislation. Actually offenses taking into account sanctions for their commission can be referred to crimes of small weight. And such look already found fixing in the Criminal code. Besides, sensitive differentiation of offense and a crime in the legislation it isn't given

Educations influenced on forming of criminal legislation. Before a criminal legislation a task to punish guilty and settle public relations is put. It assisted differentiation of criminal act. From XVIII of century there are changes in the criminal codes of most states of Europe. A criminal act was divided into misconducts and crimes. On modern Ukraine operated the Criminal code of Zonnenfelda and Criminal code of Poland in 1852. In these laws a criminal act was divided into crimes and heavy constabulary misconducts (guilt).