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CONCEPT AND PURPOSE OF PUNISHMENT FOR CRIMINAL OFFENSES

The article notes that in criminal law, the consolidation of liability for a criminal offence must be consistent with the general principles of sentencing, since the formulation of these principles in the law and their subsequent application by the court determine the fairness of the punishment imposed on the basis of them. And only a fair punishment can ensure the prevention of crime in general.

Accordingly, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine regarding the simplification of pre-trial investigation of certain categories of criminal offences" 22.11.2018 No. 7279-d, the definition of "criminal offence" is provided in the Criminal Code for an act (act or omission), for the commission of which the main penalty is a fine of not more than three thousand non-taxable minimum incomes of citizens or other punishment not involving deprivation of liberty, primarily, it provides for the imposition of penalties for criminal offences as a means of rapidly restoring social justice, allowing for the correction of the convicted person and preventing the commission of new criminal acts.

In this vein, social justice is restored through the punishment of the convicted person to society as a whole and to the victim in particular. Social justice in the society is restored in possible limits: the state partially compensates the caused harm, applying the penalty and other kinds of punishment; citizens are convinced that their rights and interests are protected and punishments are provided according to the law,

despite rational and socio-psychological reasoning, that is taking into account humanism, conformity, efficiency. Concerning the victim, justice is restored through the protection of his legitimate interests and rights violated by the crime. The penalty for a criminal offence must compensate for the harm caused and, to the extent possible, ensure that the restriction of the rights and freedoms of the convicted person as a result of the criminal offence committed is proportionate.

Thus, today, among the most promising areas of criminal policy, penalties are widely used without isolation from society. This is due to the fact that such measures are more desirable for the society (it is impossible to dissocialize a convict and, consequently, do not have inevitable negative consequences for the person, the state, society as a whole, which, first of all, is caused by the use of imprisonment after a long period of imprisonment); they do not break useful social ties and allow for better adaptation of people to work; they help to reduce the number of convicts in detention facilities, and, consequently, are more effective in preventing recidivism; it is much cheaper and not only materially, taking into account the social, psychological and moral losses inflicted on the convict and his or her relatives; they make a constant positive impact of society on the convicts, among other things, the public, and control over them.

Taking into account the abovementioned, we believe that the punishment for criminal offenses should comply with the principle of justice and necessarily contain an important component - the educational goal of the institution of punishment, because today it is this goal that is considered, and not the cruelty of retribution for a socially dangerous act.

Keywords: criminal responsibility, punishment, criminal offence, crime, criminal offense, punishment not connected with imprisonment, the penalty, public works, arrest.

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