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COMPLICITY IN A CRIME

Complicity in a crime is a special institute of criminal law, which provides for cases of joint commission of intentional crime by several persons. In the science of criminal law, there is probably no such large number of scientific works than those devoted to the institution of complicity. At the same time, we can say with certainty that it is concentrated a lot of problems that have not yet been resolved - about the content of the concept of complicity, the criteria for classifying its forms, the grounds of responsibility of accomplices, etc.

Action, for which the accomplice is responsible, in a criminal law is a separate form of crime. At the same time, the latter in the psychological plane is a manifestation of the individual behavior of a person who, although combined with the behavior of other persons within the framework of a joint crime, remains, however, a peculiar form of realization of the person's own needs and interests. Offended by accomplice is a "complete act". Accompilce has completely specific subjective preconditions, laid in the needs, interests of the subject; its peculiarity is expressed in the objective plane and is determined both by the nature of the function performed by the accomplice, and the external conditions for their implementation. The specificity of the crime committed by an accomplice is that this crime simultaneously forms a separate form of participation in a crime committed jointly with other accomplices, that is a fraction of what is determined by law as complicity in a crime. Therefore, the legal basis of the partner's responsibility can be called the participation in the joint crime or the composition of the crime committed by the accomplice. At the same time, if we proceed from the legislative definition of complicity in a crime as a manifestation of collective activity, it turns out to be incorrect to speak about the composition of complicity in a crime [1, p. 99].

Also unacceptable is the idea of the overall crime, contained in the joint actions of accomplices. Such an understanding of the crime does not correspond to its essence as a set of statutory features characterizing the acts of an individual and not a few persons [2, p. 224].

In Art. 27 of the Criminal Code indicates the circle of persons who are recognized as accomplices in the commission of a crime. The accomplices of the crime, along with the performer, are the organizer, the instigator and the abettor. The basis of such a division is based on objective criteria - the degree and nature of the participation of each of them in the commission of a crime. The degree of participation is the intensity of the act of each person acting jointly in order to fulfill his role in committing a crime. The nature of participation determines the functional role of each accomplice in a joint crime. In certain cases, in the case of one and the same functional role, a person's degree of participation in the commission of a crime may be different. [3].

Involvement of a person who became an accomplice in a crime is brought to justice on the basis of the rules of criminal liability law, but in a clearly defined form of criminal-procedural law. The beginning of the implementation is associated with the hypothesis of the criminal law, that is, the condition in the presence of which this norm is applied and the basis of criminal liability for committing a socially dangerous act provided by this norm. The hypothesis is an obligatory part of any norm, which provides for criminal liability for committing a socially dangerous act provided by the Special Part of the Criminal Code of Ukraine as a crime.

Generally for all criminal-law norms of the Special Part of the Criminal Code there will be a hypothesis, which is contained in Part 1 of Art. 2 of the Criminal Code of Ukraine. This article defines the basis of criminal liability, that is, the condition on which the "disposition" of a particular article of the Special Part of the Criminal Code begins - to commit a socially dangerous act, which includes all elements and features of the crime provided for by a specific article of the Special Part of the Criminal Code [4, p. 244].

Consequently, the question of the grounds of the criminal liability of accomplices is connected with the general construction of the institution of complicity in the crime. Summarizing the received generalizations, we note that the key provisions contained in the theory of independent accountability of accomplices, which is confirmed by our analysis of the norms that form the institution of complicity in the Criminal Code of Ukraine. In the sense of the accessory nature of complicity, the final evaluation of the accomplices is not completely independent, since it depends on the degree of implementation of the intent of the accomplices, which, in turn, is determined by the nature of the performer's actions. The performer must at least start the objective part of the crime in order to establish complicity, and this is the idea of ​​accountability.

Literature:

1. Кримінальний кодекс України: науковопрактичний коментар / Ю.В. Баулін, В.І. Борисов, С.Б. Гавриш та ін.; за заг. ред. В.В. Сташиса, В.Я. Тація. – К.: Концерн “Видавничий Дім “Ін Юре”, 2003.

2. Гаухман Л.Д. Квалификация преступлений: закон, теория, практика / Л.Д. Гаухман. – М.: АО “Центр ЮрИнфоР”, 2001.

3. Кримінальний кодекс України: чинне законодавство зі змінами та допов. Станом на 2 квіт. 2015 року: - К.: Паливода А.В., 2015. – 212 с. – (Кодекси України)

4. Кримінальне право України: Загальна частина: Підручник / Ю.В. Баулін, В.І. Борисов, Л.М. Кривоченко та ін.; За ред. Проф. В.В. Сташиса, В.Я. Тація. – 3-є вид., перероб. і допов. – К.: Юрінком Інтер, 2007. – 496 с.