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### **THE VALUE OF THE SUBJECTIVE PARTY OF THE OFFENSE MAKING THEIR QUALIFICATION**

The subjective side of the offense is one of the elements that must be taken into account in its composition. This element gives us not only the external characterization of the act, but also its internal essence: whether the subject was guided or whether it was intentional. Therefore, it can be said that the subjective side creates the psychological, that is, the subjective content of the crime, so it is internal, in comparison with the objective side. Thoughts on the intrinsic characteristic are also reflected in the general scientific definition. The subjective side of the crime is the inner side of the crime, that is, the mental activity of the person, which reflects the attitude of his/her consciousness and will to the socially dangerous act that he/she commits and to its consequences [2; 3].

Comparing the subjective side with the objective side, it can be noted that the objective side of the crime is its actual meaning and can be directly perceived by persons who are at the crime scene at the time of its commission, and the consequences of the crime can be perceived after its commission, then the subjective side can not be directly perceived by people. This is because of a complex understanding of human emotions, because sometimes offenders are quite good at managing them, which complicates the simple analysis and characteristics of the subjective side [2].

Characteristic (elements) of the subjective side of the crime are guilt, motive and purpose of the crime. They are closely interconnected, but their content and meaning are not the same in each case of the crime. The guilt of the person is the basic, obligatory feature of any crime, it determines the presence of the subjective side and to a large extent its content. The lack of guilt

eliminates the subjective side and thus the composition of the crime. However, in many crimes, the subjective side needs to establish the motive and purpose that are its optional features. They have the meaning of mandatory features only when they are specified in the disposition of the law as mandatory signs of a specific crime. The processes occurring in the human psyche are divided into intellectual, emotional and volitional. They exist in close unbroken unity, but their separate study is of great importance for the correct establishment of the subjective side of the crime. Most of them are outside the subjective side of the crime, because they do not affect the formation of its characteristics (repentance, fear of punishment, etc.) or their influence is so small that it is not essential for the formation of the motive of the person in the mind crime (compassion, pity, etc.). However, to some of them the law gives importance to the attribute of the subjective party. Thus, according to Articles 116 and 123 of the Criminal Code, the state of intense emotional excitement plays an essential role in shaping the motive for committing such crimes and is included in the content of the subjective side [3; 2; 1].

At the same time, the Criminal Code of Ukraine provides for laws that indicate the special condition of a person as a sign of the subjective side of a crime, in some cases. For example, premeditated murder committed in a state of intense emotional disturbance (v.95); intentional grievous or moderate grievous bodily harm inflicted in a state of intense emotional disturbance (Article 103). In this regard, the Plenum of the Armed Forces of Ukraine stated in paragraph 24 of the Resolution of 01.04.94 No. 1 "On case law on crimes against life and human health" stated that "the courts should bear in mind that the subjective party to the murder or causing severe or moderate bodily harm, the liability of which is provided for in Article 95 or 103 of the Criminal Code, is characterized not only by intent but also by the emotional state of the perpetrator, which greatly reduces his ability to be aware of his actions or to control them. For the qualification of such acts of the perpetrator of these articles a prerequisite is a strong emotional excitement, which suddenly arose as a result of unlawful violence or severe abuse by the victim. [4; 1]

Establishing all the characteristics of the subjective side is the final stage in establishing the composition of the crime as the sole basis of criminal responsibility. Therefore, the subjective side is important. First, it acts as a compulsory element of any crime, and its presence or absence makes it possible to differentiate a criminal act from a criminal one. Secondly, the subjective party significantly influences the qualification of crimes and allows to distinguish identical crimes on objective grounds, for example, premeditated murder (Article 115) from murder through negligence (Article 119). Third, the content of the subjective side significantly affects the severity of the crime, the degree of social danger of the subject's personality and thus the punishment. Fourth, the individualization of the punishment of the offender is carried out, the question of the possibility of his release from criminal responsibility and

punishment is being solved. [3; 2; 1]

Therefore, it can be said that the subjective party plays a decisive role in the qualification of the offense, because it helps to better understand the intentions and impulses of the person to commit it. For this process, it is very important to link the external manifestation of a person's behavior with their mental state. Because of the feelings, thinking, intentions, purpose and will that is the inner, spiritual world of man, his essence, man is able to perceive and understand the outside world, personal benefits and behavior of other people, activities of the collective, society and state, set a goal, form their will and act accordingly, not only when committing, as a rule, legitimate actions, but also when committing socially dangerous acts.

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### **THEORETICAL AND LAW ENFORCEMENT SYSTEMS OF REGULATORY ACTS**

The concept of "regulatory legal acts" includes a set of legislative acts issued by legislative and executive authorities. Normative legal acts are issued by state authorities only in a certain form and within the competence of a particular law-making body. Hence the legal force of a normative legal act is determined by the place in the system of state bodies of the body on behalf of which it was issued. They are called legal because they contain norms of law of a generally binding nature. In essence, this concept is synonymous with the concept of "legislation" in the broad sense of the word. Thus, a normative legal act is a generally binding official decision of a specially authorized entity, adopted in a certain order, which establishes new legal norms, changes or cancels existing ones [1].

The following specific features are characteristic of a legal act: