

1) incomplete clarification of the circumstances relevant to the case by the court of the first instance;

2) failure to prove the circumstances relevant to the case, which the court of the first instance considered to have been proven;

3) non-compliance of the findings of the court of the first instance with the circumstances of the case;

4) violation or incorrect application of substantive or procedural law as well as consideration and resolution of the case by the court illegitimate; participation in passing the decision of the court which was challenged on the basis of the circumstances that caused doubts on the judge's impartiality, and the petition about his disqualification was found reasonable by an appeal court; approval or signing the resolution not by the court who heard the case. Articles of the substantive law are considered to be violated or applied incorrectly if the law that was applied may not be applied to this relationship, or the appropriate law wasn't applied.

All in all, I would like to say that the procedure of appeal is quite well regulated by the Civil Procedural Code of Ukraine. It defines the right of every person to appeal, the grounds for such an application and the powers of the Court of Appeal. The procedure complies with the European standards of court system. Still I guess it is a drawback that the court of appeal examines only the evidence, examined by the court of the first instance with the violation of the established order or in case of unlawful denial of their examination, or new evidence, not passed to the court of the first instance due to valid reasons. It would be better if the court of appeal could examine all the evidence which is in case in order to have complete and total vision of the circumstances of the case.

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## **CRIMINAL ATTEMPT: THE CONCEPT AND TYPES**

An attempt to commit a crime, apparently, is the central and the most difficult in terms of knowledge, the legal definition and enforcement type of crimes according to their degree of consummation.

According to article 15, paragraph 1 of Criminal Code of Ukraine criminal attempt shall mean a directly intended act (action or omission) made by a person and aimed directly at the commission of a criminal offence prescribed by the relevant article of the Special Part of this Code, where this criminal offence has not been consummated for the reasons beyond that person's control [1].

Attempt is the type of unconsummated crime, the crime that is not fully developed. The crime of attempt has two elements, intent and some conduct

toward completion of crime. In the legal literature attempted crime is recognized as «execution of crime», «execution of actus reus of criminal offence», «actions (omission), which form the actus reus and are directly intended to commit a crime [2].

Criminal attempt is divided by law into a consummated and unconsummated one. These types of attempted crime are carried out by the legislator according to the subjective criterion, that is for guilty attitude to actions he made.

Article 15, paragraph 2 of Criminal Code of Ukraine states that criminal attempt shall be consummated where a person has completed all such actions as he/she deemed it necessary for the consummation of offence, however, the offence was not completed for the reasons beyond that person's control» [1]. A consummated attempt may be also called «unsuccessful».

For example, the criminal was going to murder the victim, but made a bad shot or only wounded him. So, here he/she tried to kill the victim, but it did not result in the victim's death for reasons that did not depend on his control, therefore the crime (murder) was not brought to the end.

According to article 15, paragraph 3, criminal attempt shall be unconsummated where a person has not completed all such actions as he/she deemed necessary for the consummation of offence for the reasons beyond that person's control [1]. Sometimes this type of attempt may be called «interrupted».

For instance, a burglar was arrested once he broke into the house. So, he/she did not complete all actions necessary for the consummation of burglary, as he/she did not steal property.

Apart from this, criminal attempt is divided into a suitable and unsuitable one. Attempting the impossible means that the attempted offence cannot in any way be completed because of unsuitability of either the object or means used by the offender. An attempt on impossible object is when it does not have the necessary features or they are just absent. As a result, a person can't complete a crime [3]. For example, as in case of attempted theft of empty safe. An attempt with unsuitable means is when an offender uses them by mistake or by ignorance. For instance, an attempt to poison a person with a substance mistaken for poison or an attempted murder with firearms which appeared to be defective.

Classification of criminal attempts in the first place is necessary for sentencing. The unsuitable attempt in some cases may commute a punishment or even exempt from criminal liability. What is more, the division into consummated and unconsummated attempts is important for the issue of voluntary renunciation. Voluntary renunciation of completing a crime in an unconsummated attempt is always possible while during a consummated attempt only in some cases [4].

To sum up, criminal attempt is a specific stage of crime in Criminal law. It is defined as both difficult and important. Sometimes it may be very hard to detect the evidence of not a consummated crime, but only an attempted one. But it is considerable for the defence of the accused person as punishment he/she will be sentenced to depends on it.

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## RIGHT TO LIFE

Right to life is one the most important right in the world. Many scientists are discussing the problems related to this right. The right to life is a moral principle based on the belief that a human being has the right to live and, in particular, be killed by another human being. The concept of the right to life arises in debates on issues of capital, punishment, war, abortion, euthanasia, justifiable homicide.

In human history, there has not been a general acceptance of the concept of the right to life that is innate to individuals rather than granted as a privilege by those holding social and political power. The evolution of human rights as a concept took place slowly in multiple areas in many different ways with the right to life being no exception to this trend and the past millennia in particular has seen a large set of national and international legal documents codifying the general idea into specifically worded principles.

There are many dubious topics which are discussed all over the world. Such as : Capital punishment, Killings by Law Enforcement, Euthanasia, Abortion.

Opponents of capital punishment argue that it is the violation of the right to life, while it's supporters argue that death penalty is not the violation of the right to life because the right to life should be applied with deference to a sense of justice.

What about killings by law enforcement officers?

International law allows law enforcement officers to deliberately take life «shooting to kill» where it is absolutely necessary to defend themselves and others against the imminent threat to life.

Euthanasia

The right of a person to make the decision to end their own life through euthanasia is commonly called the right to choose, while people who oppose the legalization of euthanasia are commonly referred to as the right-to-lifers.

The abortion debate is the ongoing controversy surrounding the moral and legal aspects abortion. The sides involved in the debate are the self-described «pro-choice» movement (emphasizing the right of women to decide whether to terminate pregnancy) and the self-described «pro-life» movement (emphasizing the right of the embryo or fetus to gestate to term and be born). Both terms are