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Reconciliation of the Parties as a Way to Solve the Criminal-Legal Conflict

Примирення сторін як спосіб вирішення кримінально-правового конфлікту

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Written by:

Oksana Stepanenko¹²²<https://orcid.org/0000-0003-4677-9868>**Andriy Stepanenko**¹²³<https://orcid.org/0000-0001-8824-2212>**Alik Israelian**¹²⁴<https://orcid.org/0000-0002-4011-7970>

Abstract

The article explores the problem of resolving a criminal-legal conflict (which involves a person who has committed a socially dangerous act) through reconciliation. The relevance of the research topic is due to the fact that the legal conflict requires a binding solution, as it affects the most important social values. The purpose of this article is to disclose the nature and importance of reconciliation as a way of resolving a criminal-legal conflict. The authors used an analysis method, a synthesis method, a logical method, a historical method, and a formal legal method to write this article. According to the results of the study, the authors concluded that the application of criminal liability for reconciliation of the perpetrator with the victim is effective for all parties to the criminal-legal conflict. Moreover, for the state as a party to the criminal-legal conflict, such a way of resolving, is also effective because of the fact that the achievement of the tasks of criminal responsibility with the minimum cost of resources is the restoration of the rights of the victim.

Key Words: criminal-legal conflict, reconciliation of parties, criminal procedure, victim, conflict resolution.

Анотація

Стаття досліджує проблему вирішення кримінально-правового конфлікту (в який вступає людина, що вчинила суспільно небезпечне діяння) шляхом примирення. Актуальність теми дослідження обумовлена тим, що кримінально-правовий конфлікт, потребує обов'язкового вирішення, оскільки зачіпає найбільш значущі суспільні цінності. Метою даної статті є розкриття сутності та значення примирення як способу вирішення кримінально-правового конфлікту. Автори використали метод аналізу, метод синтезу, логічний метод, історичний метод та формально-юридичний метод для написання даної статті. За результатами приведенного дослідження автори дійшли висновку, що застосування звільнення від кримінальної відповідальності у зв'язку з примирення винного з потерпілим є ефективним для всіх учасників кримінально-правового конфлікту. Більш того, для держави, як учасника кримінально-правового конфлікту, такий шлях його розв'язання є також ефективним в силу того, що відбувається досягнення завдань кримінальної відповідальності з мінімальними затратами ресурсів, відбувається відновлення прав потерпілого.

Ключові слова: кримінально-правовий конфлікт, примирення сторін, кримінальний процес, потерпілий, вирішення конфлікту.

¹²² Ph. D., Associate Professor of Department of Criminal Law of National University "Odessa Law Academy".

¹²³ Ph. D., Associate Professor of Department of Criminal Procedure of National University "Odessa Law Academy".

¹²⁴ Ph. D. candidate of Department of Criminal Law of National University "Odessa Law Academy".

Introduction

A person interacts with other individuals daily, and often, because of one reason or another, contradictions arise between them. In cases where the contradictions are caused by incompatible mutually exclusive interests and values, conflict arises. In turn, a criminal-legal conflict is a "conflict with the criminal law", which enters a person who committed a socially dangerous act. In addition, if any other conflict may not be resolved, because of these or other circumstances, then a criminal-legal conflict requires a binding solution, as it affects the most important social values.

Moreover, not always bringing a guilty person to justice and punishing a person is an appropriate way to resolve a criminal-legal conflict. Increasingly popular, due to their effectiveness, are gaining alternative ways of resolving the conflict, one of which is the reconciliation of the parties.

In the criminal law of Ukraine, the issue of solving the criminal-legal conflict through reconciliation is regulated in Art. 46 of the Criminal Code of Ukraine (2001) (hereinafter referred to as the CC of Ukraine) release from criminal liability in connection with reconciliation of the guilty with the victim.

However, neither in the Criminal Code of Ukraine (2001) nor in other normative legal acts did the concept of reconciliation be disclosed. This leads to discussions among scholars about the content of reconciliation.

Therefore, the purpose of this article is to disclose the nature and importance of reconciliation as a way of resolving a criminal-legal conflict.

Theoretical framework

The topic of reconciliation of the parties in the criminal process occupies a prominent place in the theoretical developments of many scientists and practitioners. However, the literature still lacks an unambiguous look at solving of pressing problems of reconciliation of the parties, which often gives rise to very conflicting points of view and does not contribute to a common understanding and application of criminal law and criminal procedure law. In addition, the works of most authors were created in a completely different socio-political and socio-economic environment and were based on the legislation that existed at that time. The adoption

of new laws requires new scientific developments. Moreover, many issues of this topic are the subject of discussion in theory and practice of criminal procedural activity, and some have not been investigated at all. In connection with these circumstances, the institution of reconciliation of the parties in the criminal process of Ukraine requires further holistic scientific reflection.

In particular it is necessary to clarify the legal nature of the reconciliation of the parties, the grounds and conditions for its application, a scientific analysis of the signs of reconciliation of the parties as a legal phenomenon in the criminal procedural law, and to determine the prospects and development trends of this institution.

So in different periods of development of the science of criminal law, many scholars paid attention to the study of the category of reconciliation as a ground for exemption from criminal responsibility in connection with reconciliation of the guilty person with the victim. They are Anoschenkova (2006), Baulin (2004), Bilodid (2010), Dal (2003), Dikaev (2010), Gorshunov (2005), Humeniuk (2013), Kashanina (1992), Kurilo (2013), Lipnitsky (2010), Lyapunova, & Mitrofanov (2009), Orlovskaya (2015), Popadenko (2006), Potebenko, & Goncharenko (2001), Rubinstein (2004), Shatikhina (2004), Skelebey, Tsymbal, Azarov, & Kotova (2014), Stashisa, & Tatsiy (2010), Yakimov (2003), Yakobashvili (2001), Yashchenko (2006), Yeroshenko (2012).

Zerkin (1998) considered the issue of conflict resolution as a general category. Popadenko (2006) studied the problem of solving criminal-legal conflict.

The reconciliation as a way to resolve the conflict between the parties has been explored by the following scholars, such as Rubinstein (2004), Skelebey (2011), Yashchenko (2006), Kurilo (2013).

Dikaev (2010), Skelebey, Tsymbal, Azarov, & Kotova (2014), Baulin (2004) in their scientific works paid attention to the problem of exemption of a person from criminal responsibility in connection with reconciliation of the guilty person with the victim in criminal proceedings.

Methodology

The main method of research is the dialectical method of cognition. When solving the tasks, private research methods were also used. They are historical, formal-logical and system-structural, formal-legal and others.

The dialectical method is a system of interconnected and interdependent principles, requirements, attitudes and rules, prescribing a specific procedure for the implementation of actions aimed at cognition or transformation of objects.

The dialectical method is universal; it includes the highest levels of abstraction in the methodology. Therefore, its principles and requirements do not have a direct impact on the course of a specific scientific research.

The main task of the dialectical method is to develop a general search strategy and regulations in the construction of research programs.

Thus, the dialectical method is the basic method used by the authors of the article to carry out a thorough analysis of the institution of reconciliation in the criminal process of Ukraine and to develop clear proposals for its improvement.

The historical method was used by the authors to establish the genesis of the institution of reconciliation in the criminal process, to study the fundamental laws of its development. All this makes it possible to identify the shortcomings of modern regulation of relations regarding reconciliation in the criminal process and to propose one's own vision of improving such legal regulation.

Formal-logical and system-structural methods were used in the process of explaining the concept and features of the institution of reconciliation in the criminal process. In addition, such method has been used to formulate such definitions as criminal offense, legal conflict, criminal conflict, mediation, consent of parties in criminal proceedings, etc.

Moreover, to write this article, the authors used the formal-legal method by examining different approaches to interpreting the terms "reconciliation", since there is no official interpretation of the term in the domestic regulatory framework. The lack of an official interpretation of the term is the reason for the different application of the criminal law.

The empirical materials for this study were domestic legal acts and other sources. Among others, the following basic legal acts were used:

- Criminal Code of Ukraine (2001);
- Criminal Procedure Code of Ukraine (2013);
- On the Practice of the Application by the Courts of Ukraine of Legislation on the Release of a Person from Criminal Responsibility: Resolution of the Supreme Court of Ukraine of December 12, 2005 No. 12. (2005).

Results and discussion

Nowadays, legal consciousness is an organic part of the spiritual reality, acquires an independent spiritual and cultural status among the foundations of social and legal life (Kharytonov, Kharytonova, O., Kharytonova, T., Kolodin, & Tolmachevska, 2019). Legal conflict should be understood as the confrontation of legal entities with opposite understandings and actions concerning the principles and norms of law in order to change their status and legal status (Zerkin, 1998, 244).

The following features of legal conflict are distinguished in the scientific literature. First, the parties to this conflict are entities with a certain status (a set of statutory legal rights and duties) (Yakimov, 2003, 10).

Secondly, any conflict implies that its parties have incompatible interests. Interest is one of the significant motives for committing or abstaining from actions (Gorshunov, 2005, 67).

Thirdly, a legal conflict involves the existence of legal procedures for its resolution, resulting in legal consequences. The main task of law is to limit the negative manifestation of the conflict, to create a system of procedural guarantees for the resolution of the conflict (Legal conflictology – a new direction in science, 1994, 6). That is why it is almost always possible to influence the development of conflict through legal norms and institutions. This thesis is crucial when it comes to criminal conflict, or as it is called criminal-legal conflict. The criminal conflict is a kind of legal conflict and reproduces all its main features and features, but with the peculiarities inherent in the criminal sphere.

Any crime affects the interests of participants in certain social relations, causes a contradiction between the interests of the person who committed the crime and those who have suffered as a result of the wrongful conduct of the

perpetrator. Therefore, criminal-law relations are initially conflicting in nature (Zerkin, 1998, 244). The content of a criminal conflict is a conflict behavior that results in a criminal offense.

The characteristic features of the criminal conflict include:

- the parties to the criminal conflict are the person who committed the criminal offense, the victim of the criminal offense and the state, in the person of the competent authorities;
- the subject of criminal-law conflict is criminal offense.

In the legal literature, there is an opinion that criminal offense is a criminal conflict (Legal conflictology – a new direction in science, 1994, 18). Thus, scientists note that crime by its social nature is, in a broad sense, a multilateral conflict, that is, firstly, the guilty person comes into conflict with the state, which in the public interest imposes a ban on committing socially dangerous acts; secondly, by harming one or another person, the guilty person pleads with them (Anoschenkova, 2006, 75). The gratification of unlawful interests occurs under conditions of excess, (a violation of the rights of others by encroachment on them). Both the crime itself and its consequences are reflected in the rules of criminal law. Therefore, the crime can be regarded as a legal conflict.

At the same time, we agree with the view that the commission of a criminal offense is not a criminal conflict, as any conflict involves the existence of procedures for its resolution. Therefore, the conflict situation will be resolved only if the negative consequences of the criminal offense will be maximally neutralized. In addition, in many cases, a criminal offense not only creates the ground for conflict but is also a consequence of interpersonal conflict, their final stage. Conflict situations include the presence in the criminal law of such phrases as "exceeding the limits of necessary defense", "intense emotional disturbance caused by violence, abuse or grievous abuse by the victim or other unlawful or immoral acts", "obstruction of lawful activity, damage to lawful activity, related to the performance of official or public debt", etc. Therefore, a criminal conflict is a clash of interests between a person who has committed a criminal offense and the state, society, or an individual about the wrongful conduct of the perpetrator (Popadenko, 2006, 115-120).

Criminal conflict is not just a contradiction of criminal and public interests or a confrontation of interests of subjects of conflict relations of this type. For legal conflict, the offender and the victim of the criminal offense constitute a single whole and only in their totality and interaction do they constitute a complete criminal conflict.

After committing a criminal offense, the harm caused to a particular person is objectified and exists regardless of whether his victim is recognized in the manner established by the criminal procedural law or not. Therefore, objectively parties to criminal relations are the triad: the victim of a criminal offense (the victim) – the person who committed it – the state.

Another thing is that the existence of criminal legal relations, their development, can not be manifested outside the criminal procedural relations, so some participants in material legal relations acquire the status of a victim in the criminal process, others – the accused, defendant, and other participants in the process with the relevant rights and responsibilities (Lyapunova, & Mitrofanov, 2009, 87-92).

The presence of a criminal conflict undoubtedly implies the importance of resolving it. The purpose of resolving criminal conflicts is to neutralize the negative consequences of a criminal offense.

Given the public nature of criminal law, traditionally the power to resolve criminal conflicts belongs to the state, represented by the competent authorities. That is why, regardless of who was harmed as a result of a criminal offense and whose interests have affected, whether an individual citizen or society as a whole, the state is a party to the criminal conflict.

Of course, there are cases of private prosecution and criminal prosecution in the form of private prosecution begins only based on the victim's statement. The refusal of the victim, and in the cases of the CPC of Ukraine, his / her representative from the prosecution, is the unconditional ground for closing the criminal proceedings in the form of private prosecution (Part 4 of Article 26 of the Criminal Procedure Code of Ukraine (CPC of Ukraine)).

Given the existence of criminal offenses (a list enshrined in Part 1 of Article 477 of the CPC of Ukraine) criminal proceedings on which can be initiated by the investigator, the prosecutor can only distinguish criminal and legal conflicts of public and private nature based on the victim's

statement. Private-law criminal conflicts can be resolved without government involvement. In this case, it is increasingly up to the victim who chooses how to resolve the criminal conflict, whether or not law enforcement is involved in the process. The presence of private prosecution is a testament to the principle of dispositiveness in criminal law.

However, most criminal offenses encroach on the public interest. In view of this, the state responds to the criminal offense committed by a person by applying measures of a criminal nature necessary and sufficient to resolve a criminal conflict.

It should be noted that there are several ways of resolving the conflict in the scientific literature. Thus, conflicting parties can try to overcome the conflict in their own way, or by connecting a third party, in three ways:

- 1) violence;
- 2) separation;
- 3) reconciliation (Lipnitsky, 2010).

Violence is not a civilized way of resolving conflict, so we do not consider it at all in this study. As for separation, if extrapolate it to the plane of criminal law, it will be a matter of bringing a guilty person to justice. In addition, given that criminal law is, first and foremost, a public area of law dominated by public interest over the private because of the significant risks to human beings, society, and the state as a result of crime, the most common way of resolving criminal conflicts is bringing a person guilty of a criminal offense to criminal liability.

The criminal law provides for several measures of a criminal nature that can be applied to the person who committed the crime. However, criminal responsibility finds its realization in the conviction of the guilty and the imposition of punishment.

The penalty that most restricts constitutional human rights and freedoms remains the most commonly used means of resolving criminal conflicts.

At the same time, the scientific literature has for many years been writing about the ineffectiveness of punishment as a means of resolving criminal conflicts, about the crisis of punishment. Often, the forced resolution of a criminal conflict makes post-conflict relations unstable. Therefore, the need to find and use alternative means is actualized. For this reason, reconciliation is defined as a promising means of

resolving criminal-law conflict. After reconciliation, there is some interaction between the person who has committed the criminal offense and the victim, the parties show a desire for cooperation and declare their positions.

The complexity of studying the term reconciliation is that, despite the widespread notion of "reconciliation", its essence is ambiguous. The category of "reconciliation" is also found in philosophy, religion, sociology, history, and jurisprudence.

According to the great explanatory dictionary of the modern Ukrainian language, reconciliation means the establishment of peaceful relations between anyone, the restoration of consent (Yeroshenko, 2012, 542). The term "reconciling" from the noun "reconciliation" is defined as reconciling, ending hostility, agreeing on both sides (Dal, 2003, 710-711). Other philological sources point to reconciliation as the result of "ending hostility, restoring consent" (Ozhegov, 1984, 313).

Reconciliation in the legal space acquires certain features. It should be noted that since the 1970s, when a new approach to responding to criminal offenses began to develop intensively in many countries of the world, studies on reconciliation began to emerge as a way of resolving the criminal conflict. After all, there was an awareness of the inefficiency and negative consequences of the use of punishment, first of all, imprisonment.

In legal sources, reconciliation is interpreted as a bilateral act and a mutual decision of the two parties to the conflict based on which the conflict can be resolved. This decision suits both parties, which contributes to the resolution of the conflict. The main feature of reconciliation is the legal equality of the status of the subjects and their joint participation in the will, aimed at forming the norm of behavior (Kashanina, 1992, 126).

In the criminal law of Ukraine, the issue of solving the criminal-legal conflict through reconciliation is regulated in Art. 46 of the Criminal Code of Ukraine release from criminal liability in connection with reconciliation of the guilty with the victim. The Institute for the Exemption from Criminal Responsibility for Reconciliation with the Victim (or the Institute for Reconciliation with the Victim) is an exception to the legal presumption of *ius publicum privatorum pactis mutari non potest* (public law cannot be altered by agreement of

private individuals), which, however, only confirms another presumption – non est regula quin fallat (there are no rules with no exceptions). It should be noted that the reconciliation of the guilty person with the victim as a necessary condition for release from criminal responsibility in different ways is interpreted by scientists.

Yakobashvili writes that reconciliation is the removal of all his or her initial claims and claims made in criminal proceedings by the victim (Yakobashvili, 2001, 17). Analyzing the positions of scientists Humeniuk correctly notes that all the definitions given by scientists contain an indication of only one of the subjects of reconciliation – the victim, but the legislator in Art. 46 of the Criminal Code of Ukraine also points to the second subject – the person guilty of the crime (Humeniuk, 2013, 246).

Therefore, the approach of Yashchenko, which emphasizes that reconciliation is a duly executed written agreement, between a person who committed a socially dangerous act and the victim, is justified (Yashchenko, 2006, 7). The same approach is supported by other scholars, pointing out that reconciliation is a way of resolving a criminal conflict, which is a deliberate willful decision of the person who committed the crime and the victim, who terminates the conflict character of their relations based on mutual compromises and results in the closure of a criminal case in the cases and order prescribed by law (Shatikhina, 2004, 12).

Several scholars emphasize the procedural component of reconciliation, defining it as a refusal to prosecute a person in criminal proceedings or to close a case initiated by the victim's statement (Potebenko, & Goncharenko, 2001, 224).

Also noteworthy is the other approach proposed by Rubinstein to interpret reconciliation as a moral repentance of a person in committing an unlawful act immediately before the victim and forgiving the latter of his actions, as well as reaching agreement between the said persons on the order, size, and term of the settlement of the caused damage (Rubinstein, 2004, 116). The main conditions, in this case, are repentance, moral forgiveness, and damages (Shkelebey, 2011, 542-547).

In turn, Stashisa and Yatsenko, understand reconciliation as an agreement between the victim and the person who committed the crime, in which it is recorded that the victim reconciled with his abuser, satisfied with the recent

measures taken to compensate for the damage caused or elimination of the harm caused and consequently does not object to the release of such a person from criminal liability (or asks for such release) (Stashisa, & Tatsiy, 2010, 334-335; Yatsenko, 2005, 92).

According to the Resolution of the Plenum of the Supreme Court of Ukraine of December 23, 2005 No. 12 "On the Practice of Application by the Courts of Ukraine of Legislation on the Release of a Person from Criminal Liability" (2005) the reconciliation of the guilty person with the victim (s) should be understood as an act of forgiveness by her / him (them) as a result of free will excludes any undue influence, regardless of which of the parties initiated it and for what reasons.

The latter definition is often used by the courts in their decisions, revealing the concept of reconciliation, and we consider it successful for the following reasons. First, it focuses on the two sides of reconciliation (the guilty person and the victim); secondly, it refers to forgiveness, that is, a certain result achieved by the parties. Baulin believes that the result of reconciliation is the forgiveness of the victim of his abuser (Baulin, 2004, 287). Thus, reconciliation is defined "at the same time as the action of individuals aimed at ending the criminal conflict and as a positive result of such action. This approach of interpreting the essence of "reconciliation" through the relationship of "action" and "effect" is fully consistent with its nature and content (Skelebey, Tsymbal, Azarov, & Kotova, 2014, 93).

Moreover, it is better to dwell on what is meant by forgiveness. According to the dictionary, "forgiveness" is an action meaning to forgive, to forgive. Thus, asking for (begging, praying, etc.) forgiveness – asking for forgiveness; to ask for condescension to anyone; to ask for a pardon (Bilodid, 2010, 355). Orlovskaya (2015) points out that the use of the term "forgiveness" refers to a certain activity, which is accompanied by an emotional reaction to events/concessions and requires the presence of one who can act emotionally colored and at the same time has the right to make the appropriate decision. It seems to be about the victim. Accordingly, only the victim can be forgiven in criminal law by treating the guilty person in some way. And when it comes to the "act of forgiveness" in the context of Art. 46 of the CC of Ukraine (2001), it is both about the action (interaction) of both parties and the result of such actions. It is important to emphasize that it is not about establishing a

friendly relationship between the victim and the defendant (the accused), it is important to reach a consensus (Humeniuk, 2013, 246).

Besides, the analyzed definition focuses on free will, which eliminates any undue influence. It is unacceptable to unduly influence the victim, either by the investigator, the prosecutor or the judge or by the accused or with the consent of others (Baulin, 2004, 139). Therefore, it is important to establish the voluntariness of the victim's actions (lack of coercion on the part of the perpetrator or third parties) and their timeliness (according to Article 25 of the CPC of Ukraine (2013), the victim has the right to reconcile himself with the perpetrator before the court is removed to the conference room) (Humeniuk, 2013, 246).

It also states that the reconciliation initiator can be directly involved in the conflict (victim and accused), as well as other persons, their relatives or acquaintances, law enforcement officials, the court, etc. Besides, the motives that drive individuals are irrelevant and through which efforts and whom such reconciliation becomes real.

It is not necessary to include in the content of reconciliation the compensation of the caused damages or elimination of the caused damage. We are convinced that reconciliation should be understood as an act of forgiveness by a victim of a criminal offense. The victim himself may not associate his consent to reconciliation with the degree of public danger of action or the occurrence of adverse consequences since the nature of the institution of the parties' reconciliation in criminal proceedings is largely about the victim's goodwill. In doing so, the victim may not associate her with compensation for any harm. For example, a person has committed a crime against his or her close or distant relatives who have forgiven such a person for his or her actions without insisting on compensation (Kurilo, 2013, 95).

Conclusions

Thus, it can be concluded that the application of criminal liability for the reconciliation of the guilty with the victim is effective for all parties to the criminal conflict. Moreover, the victim, whose position in some cases is not decisive, in this case, becomes crucial. Besides, the victim can receive the amount of compensation that he or she has determined. This approach is important because in most cases the victim leaves the criminal relations, since ultimately the person

is found guilty not of the victim of the criminal offense, but the state law enforcement agencies. The person is guilty of the victim and is responsible to the state and on behalf of the state. In the case of Art. 46 of the CC of Ukraine (2001), the victim becomes the central procedural figure.

Unconditionally resolving a criminal conflict by way of dismissal from criminal responsibility for reconciliation of the guilty with the victim is the best way to resolve the criminal conflict and for the perpetrator of a criminal offense. After all, having reconciled with the victim, the person does not mention the negative consequences for him that come from criminal prosecution. Saving guilty socially useful connections. For the state as a party to the criminal conflict, such a way of resolving it is also effective since the achievement of the tasks of criminal liability with minimal resources, the restoration of the rights of the victim.

Bibliographic references

- Anoschenkova, S. V. (2006). *Criminal law doctrine of the victim*. Moscow: Wolters Kluwer. Retrieved from <https://lawbook.online/kniga-rossii-pravo-ugolovnoe/ugolovno-pravovoe-uchenie-poterpevschem.html>
- Baulin, Y.V. (2004). *Release from Criminal Responsibility*. Kyiv: Atika.
- Bilodid, I.K. (2010). *Dictionary of the Ukrainian language*. Kyiv: Scientific thought. Retrieved from <http://sum.in.ua/>
- Criminal Code of Ukraine. (2001). *Verkhovna Rada (Ukrainian Parliament)*. Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14>
- Criminal Procedure Code of Ukraine. (2013). *Verkhovna Rada (Ukrainian Parliament)*. Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17>
- Dal, V. I. (2003). *Explanatory Dictionary of the Living Great Russian Language*. Moscow: LLC Astrel Publishing House,
- Dikaev, S.U. (2010). Some issues of modern punitive policy. *Criminology: yesterday, today, tomorrow*, 1(18), 116-126. Retrieved from <https://cyberleninka.ru/article/n/nekotorye-voprosy-sovremennoy-nakazatelnoy-politiki-rossii-2>
- Gorshunov, D.N. (2005). *Interest in private law: theory issues*. Kazan: Kazan State University named by V.I. Ulyanov-Lenin. Retrieved from <https://kpfu.ru/law/struktura/kafedry/teorii-i-istorii-gosudarstva-i-prava/osnovnye-publikacii-kafedry/gorshunov-dn-interes-v-chastnom-prave-voprosy-5045.html>
- Humeniuk, V.V. (2013). Some problems of correlation of norms of criminal and criminal

procedural legislation of Ukraine. *Actual problems of the state and law*, 69, 243-249.

Kashanina, T. V. (1992). Individual regulation in the legal sphere. *Soviet State and Law*, 1, 122-130. Retrieved from <https://cyberleninka.ru/article/n/individualnoe-pravovoe-regulirovanie-i-pravotvorcheskaya-deyatelnost>.

Kharytonov, E., Kharytonova, O., Kharytonova, T., Kolodin, D., & Tolmachevska, Y. (2019). Human rights as the basic value of the concept of private law in modern Europe. *Amazonia Investiga*, 8(20), 477-485. Retrieved from <https://www.amazoniainvestiga.info/index.php/amazonia/article/view/177>

Kurilo, M.P. (2013). Institute of Reconciliation and its Features in Modern Criminal Law. *Legal Bulletin of the Ukrainian Academy of Banking*, 2, 93-97. Retrieved from http://www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe?I21DBN=LINK&P21DBN=UJRN&Z21ID=&S21REF=10&S21CNR=20&S21STN=1&S21FMT=ASP_meta&C21COM=S&2_S21P03=FILE=&2_S21STR=Pvuabs_2013_2_23

Legal conflictology – a new direction in science. (1994). *State and Law*, 4, 3-23. Retrieved from <https://cyberleninka.ru/article/n/95-01-002-yuridicheskaya-konfliktologiya-novoe-napravlenie-v-nauke-gosudarstvo-i-pravo-m-1994-4-s-3-23/viewer>.

Lipnitsky, A. V. (2010). Mediation of legal conflicts: foundations, features, technology. *Bulletin of the St. Petersburg University of the Ministry of Internal Affairs of Russia*, 1(45), 217-224.

Lyapunova, N., & Mitrofanov, I. (2009). The victim as a subject of criminal legal relations. *Legal Ukraine*, 2, 87-92.

On the Practice of the Application by the Courts of Ukraine of Legislation on the Release of a Person from Criminal Responsibility: Resolution of the Supreme Court of Ukraine of December 12, 2005 No. 12. (2005). *Verkhovna Rada (Ukrainian Parliament)*. Retrieved from <https://zakon.rada.gov.ua/go/v0012700-05>

Orlovskaya, N.A. (2015). Encouragement, Forgiveness, Encouragement: Criminal Law Interpretation. *Law and Society*, 3(3), 168-173. Retrieved from [http://www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe?I21DBN=LINK&P21DBN=UJRN&Z21ID=&S21REF=10&S21CNR=20&S21STN=1&S21FMT=ASP_meta&C21COM=S&2_S21P03=FILE=&2_S21STR=Pis_2015_3\(3\)_35](http://www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe?I21DBN=LINK&P21DBN=UJRN&Z21ID=&S21REF=10&S21CNR=20&S21STN=1&S21FMT=ASP_meta&C21COM=S&2_S21P03=FILE=&2_S21STR=Pis_2015_3(3)_35)

Ozhegov, S. I. (1984). *Dictionary of the Russian language*. Moscow

Popadenko, E.V. (2006). Criminal law conflict: the concept and methods of overcoming the problems

of improving the legal technique and differentiation of responsibility in criminal law and process. *Collection of scientific articles of Yaroslavl State University*, 1, 115-120.

Potebenko, M.O., & Goncharenko, V.G. (2001). *Scientific and Practical Commentary to the Criminal Code of Ukraine: Common part*. Kyiv: FORUM.

Rubinstein, E. A. (2004). Reconciliation agreement and guarantees of fulfillment of obligations to make amends for termination of criminal cases in connection with the reconciliation of the parties. *Bulletin of scientific works*, 1(6), 109-117.

Shatikhina, N.S. (2004). *Institute of Mediation in Russian Criminal Law*. St. Petersburg: St. Petersburg. state. Univ. Retrieved from <https://www.dissercat.com/content/institut-mediatsii-v-rossiiskom-ugolovnom-prave>

Shkelebey, V.A. (2011). Institute of Reconciliation of the Guilty with the Victim in the Criminal Procedure Law of Ukraine. *Actual Problems of Jurisprudence*, 542-547.

Skelebey, V. A., Tsybal, P. V., Azarov, Y. I., & Kotova, A. A. (2014). *Release of a person from criminal liability in connection with an effective remorse and reconciliation of the perpetrator with the victim in criminal proceedings*. Irpin: Publishing House of the National University of the State Tax Service of Ukraine.

Stashisa, V.V., & Tatsiy, V.Ya. (2010). *Criminal law of Ukraine: Common part*. Kharkiv: Law. Retrieved from http://library.nlu.edu.ua/POLN_TEXT/KNIGI-2010/UgolovPravoOsob.pdf

Yakimov, A.Yu. (2003). The status of the subject of law (theoretical issues). *State and law*, 4, 5-10. Retrieved from <https://cyberleninka.ru/article/n/terminologicheskii-trudnosti-opredeleniya-kategorii-pravovoy-status>

Yakobashvili, G. M. (2001). *Exemption from criminal liability in connection with reconciliation with the victim*. Moscow: Moscow Academy of the Ministry of Internal Affairs of Russia. Retrieved from <https://www.dissercat.com/content/osvobozhdenie-ot-ugolovnoi-otvetstvennosti-v-svyazi-s-primireniem-s-poterpevshim-2>.

Yashchenko, A.M. (2006). *Reconciliation with the victim in the mechanism of criminal law regulation*. Kyiv National University named by T. Shevchenko.

Yatsenko, S. S. (Ed.). (2005). *Scientific and Practical Commentary on the Criminal Code of Ukraine*. Kyiv: ASK.

Yeroshenko, O. (2012). *The Great Interpretive Dictionary of Modern Ukrainian*. Donetsk: Gloria Trade LLC.

Zerkin, D.P. (1998). *Basics of conflict management: lecture course*. Rostov-on-Don: Phoenix.