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**ANALYSIS OF THE COMPONENTS OF CAUSATION  
IN CRIMINAL LAW AND THEIR LEGAL SIGNIFICANCE**

**АНАЛІЗ СКЛАДОВИХ ПРИЧИННОГО ЗВ'ЯЗКУ  
В КРИМІНАЛЬНОМУ ПРАВІ ТА ЇХ ЮРИДИЧНЕ ЗНАЧЕННЯ**

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The action as a sign of the objective side of the crime with a material component is not characterized by the general property of causation, but specifically causes, causes a normatively determined result, which is denoted by the term «socially dangerous consequence».

In one of the textbooks on criminal law, it is noted that in criminal law «the fact of committing a socially dangerous act by a person is the cause, and as a consequence, the result of this act is socially dangerous damage». Therefore, the cause in this interpretation is not an act (action or inaction within the limits of the objective party), but an established fact of the act, which makes it possible to consider the cause of the criminal outcome not only within the limits of substantive law, but also within the limits of the process.

At the same time, within the framework of the characterization of the objective side of the composition of the crime, it is inappropriate, in our opinion, to talk about the fact of the act (which obviously requires procedural means of its establishment), but it is sufficient to consider it

(the act) as having the significance of the cause socially dangerous consequence. The use of the term «fact» to characterize the act determines the departure from the limits of criminal law, the analysis of the act based on the principles and methods of the criminal process.

The next element of causation within the objective side of the *corpus delicti* is socially dangerous consequences. P.S. Berzin identifies the following most typical types of consequences in the specific construction of a crime:

- 1) constructive consequences used as a mandatory element of a crime, in the specific design of which the consequence is one, single, mandatory (in the absence of a certain alternative) element;
- 2) double (combination of several) mandatory (constitutive) consequences;
- 3) alternative;
- 4) combined (the content of which includes a combination of several of the above types of consequences) [1, p. 196].

When studying socially dangerous consequences, scholars also link them to the object of criminal offense, since it is the object protected by criminal law that is harmed or threatened with such harm.

According to E.L. Streltsov, socially dangerous consequences can be defined as harm caused by a criminal act to social relations protected by criminal law or as a real threat of such harm.

In the criminal law literature, socially dangerous consequences are traditionally divided into material and non-material consequences. Material consequences are associated with damage, change in the properties of objects of the material world or with the deprivation of the opportunity to use them permanently or temporarily in accordance with their social function or consumer value (death, bodily harm, destruction of things, loss of income, etc.).

V.M. Kudryavtsev and other scholars separately identify such a specific consequence as the possibility of certain consequences (within the framework of the current CC). When characterizing such consequences, they refer, in particular, to «environmental» crimes. They emphasize that the possibility of harmful consequences is a special kind of consequence, since it (the possibility) represents a certain change in reality – such an objective situation that creates a real threat of harm.

Thus, there is a situation where the causation does not have specific, normatively defined consequences in terms of nature and scope, but is characterized by consequences in the form of a real threat of occurrence. In this special case, it looks like this: «act – situation of real threat of harm –

[actual consequences]». In our opinion, the third link should be distinguished for the reason that, as a rule, circumstances arise that indicate the reality of the threat of harm.

An example is the very fact of the activity of criminal organizations as a result of the process of their creation (Article 255 of the Criminal Code of Ukraine), this is due to the fact that, according to criminologists, a criminal organization is the most dangerous form of complicity [2, p. 338].

In criminal law, the causal connection existing within the objective side is defined as the connection between the action (or inaction) of a person and the criminal result [3, p. 229]. However, this definition of causation does not take into account the specifics of the consequences caused by the act and especially the «possibility of consequences».

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