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### **ESTABLISHMENT AND DEVELOPMENT OF THE INSTITUTION OF RELEASE FROM CRIMINAL LIABILITY IN CONNECTION WITH RECONCILIATION OF THE PERPETRATOR WITH THE VICTIM**

Research paper considers the development of criminal law on the establishment of the institution of exemption from criminal liability in connection with the reconciliation of the perpetrator with the victim. For the purpose of substantiated knowledge the bases of occurrence of this legal phenomenon are found out, tendencies and laws of its development are established, the degree of social conditionality is estimated, comparative features in a modern condition with features inherent in the previous periods of the existence of an institution of release from criminal liability in connection with reconciliation of the perpetrator with the victim. It is stipulated that the institution of exemption from criminal liability in connection with the reconciliation of the perpetrator with the victim has a long history. On the basis of the analyzed legislative sources and scientific works the periodization of formation of the above-stated institution is offered: – 1 period of Kievan Rus (IX–XIII centuries) (in the written normative-legal document *Ruska Pravda*, for the first time introduced

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provisions which gave the guilty the right of redemption and compensation for an avoidance of criminal consequences, which guaranteed the creation of general security and stability of the state due to restrictions in the functioning of the cruel institution of blood revenge, which to some extent is interpreted to the modern legal basis for an exemption from criminal liability in connection with the reconciliation of the perpetrator with the victim; – 2nd period – Galicia-Volyn principality (late XIV – the first half of the XVII century) (Articles from the Sudebnik of Casimir in 1468: “14. And who steals for the first time, and has not stolen, then for the first theft he is not punished, if (stolen) will cost less than half a half... stipulated to be released from punishment in case of committing a minor crime for the first time, which meant at that time to resolve the issue of release from liability); – 3rd period – the tsarist period (XVIII–early twentieth century) is characterized by the fact that it was allowed to release from criminal liability in case of committing minor crimes against a person (beatings, insults) with the replacement of its measures of public educational influence: forcing public apology (“Ask for forgiveness”); – 4th period – Soviet power and the independence of Ukraine (1917 – before the expiration of September 1, 2001 of the Criminal Code of the USSR in 1960) rules on exemption from criminal liability in connection with the reconciliation of the perpetrator with the victim did not find legislative enshrinement; – period 5 – modern Ukraine (2001– present) – an adoption of the Criminal Code of Ukraine and introduction of an important element that contains substantive and procedural consequences, – from consideration as a mitigating circumstance to release from criminal liability as a material and legal basis for release from criminal liability in connection with the reconciliation of the perpetrator with the victim (Article 46 of the Criminal Code of Ukraine).

**Keywords:** release from criminal liability; reconciliation of the perpetrator with the victim; release from punishment; reconciliation agreement; criminal liability.

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