

#### SUMMARY

**Myslyvyy V.A. Criminal-legal meaning of the state of intoxication in crimes under Article 286 of the Criminal Code of Ukraine.** The rapid growth of the car fleet of the country, the complication of road infrastructure, the low level of transport discipline and justice of a part of society, and other negative factors, raise the theory of criminal law and law-enforcement practice new issues of criminal liability for these criminal offenses.

The article deals with the criminal-legal analysis of the crime, stipulated by Article 286 of the Criminal Code of Ukraine, related to violations of the rules of road safety and vehicle operation committed by drunk drivers. The high level of road traffic accidents in Ukraine and the impact of such violations as drunken driving have been noted.

The case law has been analyzed and the nature and significance of the intoxication condition, its criminal-legal meaning in this crime have been investigated, and contradictory approaches and their specific gravity have been identified regarding the consideration of this factor in the qualification of the crimes stipulated by the mentioned article of the Code. The attention has been paid to the lack of a common legal approach to the understanding of the place and the criminal legal assessment of the intoxication of the crime actor in the structure of objective and subjective part of the crime. The most typical examples of such approaches from the practice of courts of various instances have been given.

Based on the study and analysis of case law, a doctrinal theoretical and applied justification has been proposed and recognition of the state of intoxication as influencing both the objective and subjective parts of a given crime and at the same time can be taken into account by the court as punishment aggravating circumstance.

In order to eliminate contradictions in law enforcement practice, a legal position on this issue has been substantiated and the author has proposed to amend relevant parts of Article 286 of the Criminal Code of Ukraine with such qualifying circumstances as committing intoxication.

**Keywords:** *crime, criminal-legal assessment, traffic safety, intoxication, punishment, aggravated circumstance.*