

#### SUMMARY

**Shmat M. S. Exemption from punishment due to illness: concept composition and definition.**

Ukrainian lawyers recognize the effective form of combating crime not only the use of punishment, but also the exemption from them. The issue of exemption from punishment due to illness, in terms of the realization of the principle of humanism and the inadmissibility of distortion of the purpose of punishment, takes one of the leading places in the system of exemption from punishment and its serving. However, the attitude of scholars to the institute of exemption from punishment due to illness is ambiguous, and approaches to determining the conceptual component of this category are different.

The author has considered matters of solving the problem of release from punishment due to illness, including its composition of the notion and definition. He has paid attention to the available scientific works on the topic under study. The adjacent criminal institutes of release from criminal responsibility and release from punishment and its serving has been analysed. The author has suggested a specific approach to understanding the forms of criminal liability and the release from punishment. Article 84 of the Criminal Code of Ukraine and judicial practice of Ukraine on this issue have been examined. A feature of the release from punishment due to illness is the state of health of the convict.

The concept of release from punishment due to illness under the criminal law of Ukraine has been defined. So, release from punishment due to illness is the refusal the state to executing, on the court conviction or from its further execution, in connection with the state of health of the convict, impeding the serving of punishment, until his/her recovery.

The author offers suggestions for improving the institute of release from punishment due to illness. The definition of this concept is recommended to introduce into the criminal legal doctrine of Ukraine and judicial practice of Ukraine, in particular in the clarifications of the Plenum of the Supreme Court.

**Keywords:** *notion, definition, illness, criminal responsibility, release from punishment, non-performance by the state.*