

Valeriya M. Savytska. The state of research of the concept of intentionality in criminal legal literature. The state of research of the concept of consciousness in the criminal law literature is studied.

The Constitution of Ukraine in Art. 62 declared that a person is presumed innocent of committing a crime and may not be subjected to criminal punishment until his guilt has been proved in a lawful manner and established by a court conviction. No one is required to prove their innocence. The accusation cannot be based on evidence obtained illegally, nor on assumptions. All doubts about the guilt of a person are interpreted in his favor. This provision of the Basic Law is reflected in Part 2 of Art. 2 of the Criminal Code of Ukraine, Art. 2, art. 17 and item 2 part 1 of Art. 91 of the Criminal Procedure Code of Ukraine, which should maximally promote the implementation of such a constitutional norm. In turn, guilt is a mandatory feature of the subjective side of the crime, the establishment of which is the final step in establishing the crime as the only basis for criminal liability, so its clarification is important. Traditionally, in addition to guilt, the signs of the subjective side of the crime include motive, purpose and emotional state. At the same time, in the Criminal Code of Ukraine there are other features defined by the legislator as mandatory and which reveal the content of the subjective side of the crime. One of them is intentionality.

It has been proved that in the science of criminal law there is an opinion that it is appropriate to interpret the term "intentionality" not as knowledge or assumptions, but only as reliable knowledge. In addition, intentionality is considered not as an independent feature of the subjective side of the criminal offense, but as a feature that characterizes the intellectual moment of the relevant form of guilt (usually intent (although in the scientific community there is no unity in this case). However, there is an alternative position, according to which intentionality is an independent feature of the subjective side, which must be considered in conjunction with guilt.

In order to establish the urgency of the need to use the sign of intentionality in criminal law and to understand in more detail its essence, we will consider the history of the development of the use of the concept of intentionality in the monuments of domestic criminal law.

Keywords: *consciousness, intentionality, crime, punishment, criminal law, the subjective side of the crime.*