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### **STUDYING FOREIGN APPROACHES TO THE SETTLEMENT OF THE ISSUE OF RECONCILIATION OF THE PERPETRATOR WITH THE VICTIM AS PARTICIPANTS IN CRIMINAL LEGAL RELATIONS**

The experience of some countries of the world on exemption from criminal liability in connection with reconciliation of the guilty with the injured party (Belarus, Moldova, Latvia, Lithuania, Estonia, Armenia, Georgia, France, Kazakhstan, Turkmenistan, Azerbaijan) was studied and generalized on the basis of the comparative legal method for approval in the European space, actively increasing international cooperation in various fields, strengthening positions on the international scene due to the need to build criminal law norms in accordance with the best world practice.

As a result of the study based on the experience of foreign countries with the use of exemption from criminal liability in connection with reconciliation of the guilty with the victim it was determined that in different countries, regardless of the method of construction of substantive norm, all criminal laws share the main idea of dismissal in connection with reconciliation – minimization of criminal-legal conflict. The actual admission by a person of his guilt acts as a distinctive feature in this legal category. And only then its utilitarian meaning is revealed – the compensatory function, the satisfaction of the interests of the injured party to the conflict. Reconciliation with the victim is primarily a category inherent not in criminal but in criminal procedural law, and is often associated with the category of mediation, which is based on the active participation of the victim in resolving the conflict and the weight of his opinion in decision-making.

The moment of compensation or elimination of the damage caused in the analyzed cases demonstrated the unanimity of foreign legislators' views on the inadmissibility of postponing, even partially compensating or eliminating the damage. This approach supports the achievement of several goals at once: ensuring the interests of the victim (prevention of possible future default by the guilty person) and preventing the guilty person from possible ways to neglect his procedural obligations and avoid performing them.

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Thus, a comparative analysis of the relevant norms allowed to propose certain changes to the domestic criminal law, aimed at improving the functioning of the institution in question. In particular, the need to enshrine in the legislative structure the form of fixing the fact of reaching reconciliation by the parties. At the same time the article presents arguments in favor of fixation in the legislation of the form of fixation of the fact of achievement by the parties of reconciliation.

**Keywords:** release from criminal liability, reconciliation of guilty with the victim, punishment, reconciliation, justice.

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