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### **CRIMINAL LEGAL DESCRIPTION OF CRIME BRIBING A VOTER**

The place of electoral rights in the system of human rights and freedoms and in the system of the Special part of the Criminal Code of Ukraine has the content of solving the problem of determining the place of electoral rights in the system of human rights and freedoms, which, by its very nature, is a problem of constitutional law and the theory of human rights, with at least two problems that are purely criminal. The bribing of the voter was interpreted in the same way as the previous position - the rejection of a person by providing, proposing or promising remuneration of the material nature (money, material assets or services) to commit certain acts or to abstain from them (inactivity).

Important attention should be paid to the objective side of the crime.

The objective side of the crime has 3 elements:

1. Adoption of a proposal, promise or receipt by a voter, a referendum party for himself or a third person of unlawful benefit for committing or not committing any actions related to the direct realization of his or her voting rights or voting rights (refusal to vote, vote on a polling station (referendum polling station) more than once, voting for an individual candidate in the elections or refusal of such a vote, the transfer of the ballot paper (ballot for voting in a referendum) to another person), regardless of actual expression of will of the people and the results.

2. Proposals, promises or giving to the voter or a referendum participant the unlawful benefit for committing or not committing any actions related to the direct realization of his or her right to vote or to vote in a referendum (refusal to vote, polling in the polling station (referendum polling stations) more than once, voting for a separate candidate in the elections, candidates from a political party, local party organization or refusal of such a vote, transfer of the election ballot to another person).

3. Implementation of election campaigning (propaganda of a referendum) by providing enterprises, institutions, organizations of unlawful profit or provision of goods free of charge (except for goods containing visual representations of the name, symbolism, flag of a political party, the value of which does not exceed the amount established by the legislation), works, services.

There are measures of unlawful influence on citizens in order to prevent them from participating in a referendum, forcing them to participate in a referendum, or forcing citizens to express their will in relation to issues put to a referendum, etc. [1, p. 106].

In this case, the interference can be accomplished by: a) using of violence, b) deception, c) threats, d) bribery, e) other way.

On the objective side, bribery may be committed in the following alternative forms: 1) the adoption by a special subject of criminal responsibility for bribery of offers of unlawful benefit to himself or to a third person; 2) acceptance by a special subject of criminal responsibility for bribery of promise of unlawful benefit; 3) the receipt by a special subject of criminal liability for bribery of unlawful benefits for himself or for a third person; 4) a proposal to a special subject of criminal responsibility for bribing to give him (her) or a third party an unlawful benefit; 5) a promise to a special subject

of criminal responsibility for bribing to give him (her) or a third party an unlawful benefit; 6) providing a special subject of criminal liability for bribery of unlawful benefits to him personally or for a third person; 7) the request of the appropriate special subject of criminal responsibility for bribery to provide him or a third party with unlawful benefits [2].

One of the most prominent types of bribery is to take appropriate action in conjunction with extortion.

In this case, the above acts can be considered bribery only on condition that the special subject, in the interests of the person who proposes, promises, or renders unlawful benefit or in the interests of a third person, performs any act or refrains from committing it, using the provided to him (she) the authority of the official position, or the powers granted, or by using the position of the employee in the enterprise, in the institution or organization, or in connection with the directly relevant special subject of his or her right to vote or the right to participate in the referendum.

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#### **LONG-TERM PAINTING OF WAVE**

At the moment, in today's society, unlawful acts do not remain unnoticed. For each crime, the person who committed him is liable. The Institute of Penalties in the Criminal Law of Ukraine provides for various punishments and their types. Art. 50 of the CC explains that punishment is a measure of coercion, which is applied on behalf of the state by a court order to a person convicted of committing a crime, and