

*ДО 100-РІЧЧЯ НАВС: ПРАДИЦІЇ ТА СУЧАСНІ НАПРЯМИ РОЗВИТКУ
НАУКОВИХ ШКІЛ НАВС У РЕАЛІЗАЦІЇ ПРИНЦИПІВ ПУБЛІЧНОЇ БЕЗПЕКИ
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Закомірна Юлія Ігорівна,
Студентка 2-го курсу ННІ №3 НАВС
Консультант з мови: Лопутько О.А.
доцент кафедри іноземних мов,
кандидат педагогічних наук, доцент

***CRIMINAL LAW AND EXPERIENCE OF ITS INTERNATIONAL
APPLICATION***

The Criminal Code of Ukraine has as its task the legal protection of the most important social values and goods from the criminal encroachments, the peace and security of humanity as well as the prevention of crimes. In order to accomplish this task, the Criminal Code of Ukraine determines which socially dangerous acts are crimes and what penalties, as well as other measures of criminal nature, are applied to the perpetrators. In addition, taking into account the systematic analysis of certain provisions of the Criminal Code of Ukraine, it can be concluded that committing a crime is not the sole and exclusive basis for the application of other measures of a criminal law nature, as such grounds may be the facts of committing criminal acts, in particular, socially dangerous acts. a non-convicted person or a person who has not gained the age from which criminal liability may arise, or in general, acts only outwardly similar to the crime.

One of the important changes in the field of the criminal law is the introduction of the institution of criminal misconduct. Criminal misconduct and crime in the future will become a type of criminal offense. Criminal offenses should be an important step in the humanization of the criminal law. After all, not only some administrative offenses will be criminal offenses, but also the least serious crimes of today.

The introduction of criminal offenses is not something new either in terms of foreign experience or in terms of the history of domestic criminal law.

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The criminal law of the vast majority of European countries provides for two or even three types of criminal offenses (misdemeanor crime). Thus, in Europe, it has long been concluded that in criminal law there can be no more than one type of punishable act (crime) because of their danger to society, the degree of punishment and the legal consequences for the punished person.

Other factors testify the urgent need for definition of criminal offenses in Ukraine:

1. The humanization of criminal law by transforming certain non-serious crimes into criminal offenses. The criterion for turning certain crimes into criminal offenses is to recognize the severity of the punishment, which reflects the degree of public danger of an act in the best way. Criminal offenses may be those crimes for which the Criminal Code does not provide for punishment of imprisonment.

2. Guaranteeing the judicial protection of a person's rights in criminal cases (confiscation of property, remedial work, short-term arrest) on the basis of the requirements of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. No other state body, except the court, can decide on the application of these penalties.

3. Realization of the requirements of the Constitution of Ukraine as to the possibility of confiscation of property only on the basis of a court decision.

4. Implementation of the provisions of the Judicial Improvement Concept for the establishment of a fair trial in Ukraine in accordance with European standards for the future only of civil, administrative and criminal courts. In this case, only criminal courts will apply penalties that are now administrative penalties (confiscation of property, seizure).

5. Deprivation of administrative courts of powers not peculiar to them (consideration of administrative claims of the Antimonopoly Committee, tax authorities, customs authorities on imposition of fines and application of confiscation of property, etc.) and granting to criminal courts of such powers in relation to imposition of property in the form of confiscation.

6. The introduction of criminal liability of legal persons, which is a direct requirement of numerous acts of international law, including Council of Europe conventions and acts of the European Union. Legal entities should be held criminally responsible for criminal offenses.

The systematic analysis of the provisions of the Criminal Code of the Republic of Poland suggests that the criminal law of this country also enshrines both punitive and non-punitive, but coercive or encouraging measures of criminal nature. The model of the Polish law on criminal liability differs from the model of national criminal law. Meanwhile, from the point of view of Ukraine's aspirations for the European Community, both positive and negative legislative experience in the field of criminal law regulation of the Republic of Poland is of particular importance for the Ukrainian legislator. It should be noted that the criminal law of the Republic of Poland consists not only of the Criminal Code, but also of other laws providing for criminal liability, among which the Criminal Treasury Code of

the Republic of Poland and the Criminal Code of the Republic of Poland in 1971 occupy a special place.

Acquaintance with the legislative provisions of the Penitentiary Code of the Republic of Estonia suggests that in the criminal law of this country, criminal measures (major and additional) are the consequences of committing not only crimes but also criminal offenses. A comparative legal study of such a model of the law on criminal liability is appropriate and timely in terms of the prospect of such a criminal offense as a criminal offense being introduced in the legislation of Ukraine. Thus, the main punishment for committing a crime by a natural person under the PC of the Republic of Estonia is a pecuniary penalty and imprisonment (Articles 44, 45). The main penalties for individuals in the case of criminal offenses include: 1) fine; 2) arrest; 3) deprivation of the right to drive vehicles (Articles 47-48-1 of the SC of the Republic of Estonia). Additional penalties in case of committing a crime by a natural person and a criminal offense are: 1) prohibition of activity; 2) prohibition of engaging in business activities; 3) deprivation of the right to drive vehicles; 4) deprivation of the right to possess weapons and ammunition; 5) deprivation of the right of hunting and fishing; 6) deprivation of the right of access to state secrets and classified secret information, as well as deprivation of the right to process information which is state secret or is classified secret information; 7) prohibition of keeping animals; 8) property punishment; 9) eviction (Articles 49, 49-1, 50, 51, 52, 52-1, 52-2, 53, 54 of the Estonian Republic).

The elaboration of the provisions of the Criminal Code of the Republic of Moldova certifies that this legislative act also regulates a number of criminal-law measures. However, such measures against individuals and legal entities are solely the consequences of the crime committed. Yes, according to Art. 62 of the Criminal Code of the Republic of Moldova the following types of penalties may be applied to individuals: fine; deprivation of the right to occupy certain positions or engage in certain activities; deprivation of military or special rank, rank, and state awards; unpaid work for the benefit of society; imprisonment for a fixed term; life support.

Summarizing the abovementioned, it should be noted that the criminal legislation of the analyzed foreign states regulates a number of measures of a criminal nature as a legal consequence of a crime or a criminal offense. Both individuals and legal entities are subject to criminal influence in their application. Some of these measures, enshrined in the relevant legal acts, taking into account the national model of criminal law influence, require their scientific reflection in terms of possible implementation in domestic criminal law.

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ТА ПОРЯДКУ*

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Йогансен Карина Дмитрівна,
студент 3-го курсу ННІ № 3 НАВС
Науковий керівник: Зубенко В.О.
викладач кафедри іноземних мов
Національної академії внутрішніх справ

***SECURITY OF THE PUBLIC ORDER AS THE MAIN OBJECTIVE OF THE
NATIONAL POLICE***

At all times, the most important tasks of the state were ensuring internal security, protecting public order, combating crime, and guaranteeing the rights and freedoms of citizens. Individual rights and freedoms are guaranteed and protected by various actors. The State and its bodies naturally play a crucial role. A special place in the mechanism for guaranteeing rights and freedoms belongs to the internal affairs agencies, which is determined by their methods of operation, including the methods and means of influence used to carry out the tasks assigned to them. The basic methods of their activity, as well as those of other State administration bodies, are persuasion and coercion. Police is one of the most important parts of the system of the Internal Affairs.

The National Police of Ukraine is a central executive body and directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs in accordance with the law.

The tasks of the National Police are to provide police services in the following areas:

- public safety and public order;
- security and protection of human rights and freedoms, as well as the interests of society and the state;