

**ISSUES OF CRIMINAL LAW, CRIMINOLOGY  
AND PENAL LAW**

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**DISADVANTAGES OF LEGISLATIVE TECHNIQUE  
(THROUGH EXAMPLE OF THE INSTITUTE COMPLICITY)  
AS AN OBSTACLE TO EFFICIENT CRIMINAL LAW: SOME PROBLEM ASPECTS**

Criminalization as a process of identifying socially dangerous forms of individual behavior, recognition of acceptability, feasibility and possibility of criminal legal actions against them and their consolidation in law as criminal and penal is very closely related to issues of legislative technique. Legislative technique though is not involved in the development of the essence of criminal law, but is essential at the stage of its formulation, because it expresses the will of the legislator in the criminal law. In fact, the legislative technique can be determined as certain rules and requirements to formation of criminal law, failure to observe which significantly undermines the credibility of the criminal law as such.

It should be noted that recently the issues of disadvantages of legislative technique in the construction of criminal prohibitions gets unprecedented severity and urgency and is included in the subject of scientific research at different levels. The proof is the number of dissertation researches (including doctoral) directly related to this manner. Today there is an imbalance between the provisions of the General Part of the Criminal Code of Ukraine and regulations of the Special Part of the Criminal Code of Ukraine on understanding certain aspects of the institute of complicity. There are inconsistencies in construction of sanctions of criminal prohibitions for crimes committed in complicity.

Joint criminal activity includes different “charge” of public danger, not always adequately taken into account in the process of criminalization. Current Criminal Code of Ukraine demonstrates the one-sided regulation of forms of complicity, wrongly focusing on only one of them – the commission of a crime by a group of persons by prior agreement.

