МІНІСТЕРСТВО ВНУТРІШНІХ СПРАВ УКРАЇНИ
НАЦІОНАЛЬНА АКАДЕМІЯ ВНУТРІШНІХ СПРАВ

ЗАСТОСУВАННЯ ІНОЗЕМНОЇ МОВИ ПРИ ВИКЛАДАННІ КРИМІНАЛЬНО-ПРАВОВИХ ДИСЦИПЛІН

Матеріали
науково-практичної інтернет-конференції
(Київ, 30 червня 2017 року)

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CRIMINAL LIABILITY FOR CORRUPTION CRIMES IN THE POST-SOVIET STATES

Aimed to ensure a comprehensive understanding of the nature of corruption crimes in Ukraine and due to its geopolitical situation there occurs the need to conduct an analysis of relevant norms of criminal liability in the post-Soviet states. For Ukraine, the relevance of research in this area is caused by the similarity of language and technology of legislation (including criminal) on the one side and a number of political, economic and social factors in the aforesaid countries. This approach shall allow: first, to assess the status and trends of development of the anti-corruption laws in post-Soviet states; second, to determine the degree of compliance of such legislation with international anti-corruption standards; third, to establish the positive and negative aspects of legislative consolidation of corpora delicti for corruption crimes. Ultimately, this would contribute to finding the most effective ways of combating corruption through criminal legal means that may exist in foreign states as well as unification (harmonization) of criminal legislation.

It is known that post-Soviet states are primarily the representatives of Romano-Germanic legal family that accepted the European law. The laws are attributed key role in them and such states usually possess relevant codes. It is clear that at the moment of creation of the Model Criminal Code for the CIS member states, which has become one of the main reference points for the national criminal legislation in most post-Soviet states, an issue of liability for corruption crimes had never been described in it, at least these crimes (as well as the "corruption" or derivative concepts) had never been even mentioned [1]. The emphasis in this Code was placed on the crimes against the interests of the public service (Special Part, Chapter 32), which included: abuse of service position (Art. 301); omissions in service (Art. 302); exceeding of service authority (art. 303); illegal participation in business activities (Art. 304); taking of bribe (Art. 305);

giving of bribe (Art. 306); mediation in bribery (art. 307); service forgery (Art. 308); service negligence (Art. 309).

Recently, however, the lawmakers of states that emerged in the post-Soviet space have significantly "upgraded" their criminal legal norms to meet the requirements of international and European conventions on combating corruption [2, p. 101–102], which we will touch upon in detail (Baltic states through included in the European Union community are not analyzed). The fact is that all post-Soviet states have signed and ratified the UN Convention against Corruption (2003), and most of them – the Criminal Law Convention on Corruption (1999).

Under the Criminal Code of Ukraine, corruption crimes are crimes provided for by Articles 191, 262, 308, 312, 313, 320, 357, 410, in case they were committed by abuse of official position, as well as crimes provided for by Articles 210, 354, 364, 364-1, 365-2, 368–369-2 of the present Code.

Under the Criminal Code of the Republic of Moldova corruption encroachments are recognized as follows: a) crimes against particular order of work in the public sphere (passive and active bribery, benefiting from influence, abuse of power or authority, etc.) – Chapter XV of the Special Part. It would be appropriate to note that, for example, qualified corpus delicti of active bribery, unlike in the Criminal Code of Ukraine, are associated not only with the status of an official, who is corrupted, but with the size of property, services, advantages or benefits in any form (large and especially large sizes). Qualified corpus delicti of abuse of power or official position provide for an indication in committing of such crime by a person occupying a responsible public position, and in the interests of an organized group or criminal organization, which is not part of a similar corpus delicti under the Criminal Code of Ukraine. The abuse of power or authority can be committed by a public person of any body, not just of law enforcement agency (as it is in the Criminal Code of Ukraine). In addition, under the Act of May 26, 2016, the separate liability is provided for on condition of fraudulent obtaining of finance from foreign funds and their appropriation; b) corruption offenses in the private sector – Chapter XVI of the Special Part.

The Criminal Code of the Kyrgyz Republic directly recognizes as corruption (Art. 303) the kind of office crime (Chapter 30 of the Special Part), while (criminal) corruption means intentional acts that include creating of illegal stable connection of one or more officials having authority with individuals or groups for the purpose of obtaining illegal material, any other benefits and advantages as well as the provision of these benefits and advantages for natural and legal persons, which poses a threat to the interests of society or the state. As the official misconduct, among

others, is also considered such separate crimes as extortion of bribe (Art. 313) and mediation in bribery (Art. 313-2).

Apart from that, the Criminal Code of the Republic of Azerbaijan and the Criminal Code of the Republic of Kazakhstan directly use the term "corruption crimes" in the titles of respective chapters of their Special Parts, although in fact under such crimes are understood abuse of power and related to those acts. Instead, the Criminal Code of the Republic of Belarus does not differ having a traditional list of crimes against the interests of the service, most of which can be regarded as corruption, but, similar to the Criminal Code of the Kyrgyz Republic, carries out a separate criminalization of mediation in bribery (Art. 432).

There is an analogy in the Criminal Code of the Russian Federation, though it singles out a kind of extraordinary bribery as "petty bribery" (Art. 291-2), which refers to taking of bribe, giving of bribe personally or indirectly through a mediator in an amount not exceeding ten thousand rubles (the note to this article provides for encouraging norm under which a person can be exempt from criminal liability), however, such experience, in our conviction, cannot be treated as positive.

The Criminal Code of Georgia describes office crimes as crimes against the state, at that: a) the abuse of power or service position and the exceeding of power or service authority may be committed with violence or weapons, as well as insulting personal dignity of the victim; b) taking of bribe (Art. 338) is possible in "direct or indirect way", while a particular crime is considered "trading in influence" (Art. 339-1). Under the Criminal Code of the Republic of Armenia taking of bribe (Art. 311), among other things, is possible with "facilitation for the committing or non-committing of such act" or "patronage or connivance in the service", herewith in the specially qualified corpus delicti of this crime can be committed separately by judge.

Thus, we should draw the following conclusions:

1) recently in the post-Soviet states there has been observed intensifying and improving of criminal liability for corruption crimes, but the corruption or related to corruption crimes aren't directly stipulated for in all criminal laws traditionally understanding such crimes as "service" crimes (exceptions are: the Criminal Code of the Republic of Moldova, which mentions "corrupt", "corruption crimes" and "acts of corruption"; the Criminal Code of the Kyrgyz Republic, which mentions "corruption"; the Criminal Code of Ukraine, the Criminal Code of the Republic of Kazakhstan and the Criminal Code of the Azerbaijan Republic, which mention "corruption crimes/offenses");

2) despite the fact that all post-Soviet states have signed and ratified the UN Convention against Corruption, and the most of them – even the Criminal Law Convention on Corruption, there still remained outside the scope of corruption crimes in the former Soviet states such acts as "money laundering", "obstruction of justice", "financial crimes" etc.;

3) for Ukraine there will be positive foreign experience the expanding (in particular, through the criminalization of mediation regarding undue advantage or fraudulent obtaining of means from foreign funds) and clarification (in particular, through reference to passive and active bribery) of a range of corruption crimes, while the negative – the criminalization of "petty corruption" (Criminal Code of the Russian Federation) through the actual open "indulgence" to bribe-takers by the state.

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SUBJECT OF CRIME UNDER THE EUROPIAN UNION CRIMINAL LAW

The consistent and convincing steps of Ukraine aimed at European integration encourage our government to reassess many positions in public life, politics, economics, etc., to bring them in line with the best European standards. It is not exception in this respect the law, including criminal, which must match the positive European heritage. The important point, in

our belief, is clarifying the question of who can commit crimes (criminal offenses), that is their subject (perpetrator, offender, violator).

In legal literature it is emphasized on the following fundamental points: first, in European law there is no a single coherent system of criminal legal norms, but the group of leading European experts involved in the creation of adequate regulation (including current ongoing work on the preparation of the European Criminal Code – "Corpus Juris"); secondly, such projects at present are not yet implemented, as well as the abstract ideas of establishing common to all states of the European Union (hereinafter – EU) systems of criminal law entail a large number of issues that are quite difficult to give a definite answer [1, p. 499]. Overall "Corpus Juris" is a draft of legislature document, EU Model Criminal Code, that: a) based on the provisions of the basic pan-European regulations, in particular the EU Constitution; b) aimed at protecting economic (financial) interests of the EU; c) the leading role in the differentiation of crimes (criminal offenses) gives the relevant subjects [2]. The latter fact requires more detailed consideration.

Thus, already Chapter I "Criminal Law (Special Part)" of "Corpus Juris" fundamentally emphasizes that all crimes (criminal offenses) are divided into two groups depending on who commits them:

a) those who committed by any person (fraud affecting the financial interests of the European Communities and assimilated offences (Art. 1); market-rigging (Art. 2); money laundering and receiving (Art. 3); conspiracy (Art. 4));

b) those who committed by officials (corruption (Art. 5); misappropriation of funds (Art. 6); abuse of office (Art. 7); disclosure of official secrets pertaining to one's office (Art. 8)).

Chapter II "General Criminal Law" of "Corpus Juris" includes provisions for a general characteristic of the criminal law, including provisions regarding the subject of crime.

According to Art. 11 "Individual criminal liability" of "Corpus Juris" any person may be held responsible for the offences defined above (Articles 1 to 8) as a main offender, inciter or accomplice: a) as a main offender if he commits the offence by himself, jointly with another person or organization (Art. 13) or by means of an innocent agent; b) as an inciter if he knowingly provokes a natural person or organization (Art. 13) to commit the illegal act; c) as an accomplice if he knowingly helps a natural person or organization (Art. 13) to commit the illegal act. The maximum penalty for the accomplice shall not exceed three quarters of the penalties under Art. 14.

As for the features of criminal liability of the head of business or persons with powers of decision and control within the business – public officers, it is stated in Art. 12 of "Corpus Juris". So, if one of the offences under Articles 1 to 8 is committed for the benefit of a business by someone acting under the authority of another person who is the head of the business, or who controls it or exercises the power to make decisions within it, that other person is also criminally liable if he knowingly allowed the offence to be committed (1). The same applies to any public officer who knowingly allows an offence under Articles 1 to 8 to be committed by a person under him (2). If one of the offences under Articles 1 to 8 is committed by someone acting under the authority of another person who is the head of a business, or who controls it or exercises the power to make decisions within it, that other person is also criminally liable if he failed to exercise necessary supervision, and his failure facilitated the commission of the offence (3). In determining whether a person is liable under (1) and (3) above, the fact that he delegated his powers shall only be a defense where the delegation was partial, precise, specific, and necessary for the running of the business, and the delegates were really in a position to fulfill the functions allotted to them. Notwithstanding such a delegation, a person may incur liability under this articles on the basis that he took insufficient care in the selection, supervision or control of his staff, or in the general organization of the business, or in any other matter with which the head of business is properly concerned. Where liability is incurred under this article, the maximum penalty shall be half the penalty prescribed under Art. 14.

Article 13 "Criminal liability of organizations" of "Corpus Juris" states that the offences defined above in Articles 1 to 8 may be committed by corporations, and also by other organizations which are recognized be law as competent to hold property in their own name, provided that the offence is committed for the benefit of the organization by some organ or representative of the organization, or by any person acting in its name and having power, whether by law or merely in fact, to make decisions. Where it arises, the criminal liability of an organization does not exclude that of any natural person as main offender, inciter or accomplice to the same offence.

However, we should not forget that the "Corpus Juris" is still a virtual legal act, legislative benchmark for all EU states.

So it is clear that in the criminal law of the EU in the context of the subject of crime (perpetrator) the important place belongs not only to regulations of the relevant Criminal Codes, but over European legislation, including which is in the form of draft laws (models). For Ukraine in this

respect is seen promising reconciliation and further development of matters relating to the age of the perpetrator, liability of corporations (entities), specification of range and status of specific subjects, punish those responsible, their release from criminal liability and more.

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PROBLEMATIC ISSUES ON QUALIFICATION OF CRIMES AGAINST PEACE, SECURITY OF HUMANITY AND INTERNATIONAL LEGITIMACY

The specific nature of crimes set forth by Chapter XX of Criminal Code of Ukraine lies in its connection with international criminal justice where they are also considered as crimes. Thus at the process of qualification of these crimes one should refer him/herself to international legal sources in order to clarify the wording of legal standards or certain definitions.

The main sources of legal standards on such types of crimes in international justice where they have been defined as crimes against mankind or humanity (the terminology itself requires separate review) are as follows: the statutes of Nuremberg (1945) and Tokyo Military Tribunals; statutes of International Criminal Tribunal for the former Yugoslavia (1993)

and Rwanda (1994); Rome Statute of the International Criminal Court (1998); numerous conventions and resolutions of UN, etc. It should be pointed out that the listing of crimes which are falling within the International Criminal Court (further – ICC) jurisdiction is more than enough. They cover almost all criminal actions that could be done to the civil population during the armed conflict. The article 5 jurisdiction ICC, articles 7 and 8, are defining the crimes against humanity and military crimes [1]. However, national criminal justice also plays an important role in this. The fullest qualification review of these crimes was done by S.Mokhonchuk [2]. He was able to analyze different evaluative criteria and existing concepts of these crimes in international and domestic justice. S.Mokhonchuk points out that principles and norms that define fight with these crimes are naturally linked to the principles and norms setting down the fight with other offences against state and person. This connection is stated in the view that context and system of crimes against humanity are evolving in the circle of definitions and institutions (culpability, implication, etc.) known to national criminal justice. However, it would be a mistake to conclude that such relationship of institutions and definitions converts into their equality and that crimes against humanity are only one of main criminal types. On the contrary, it should be stressed that such institutions of criminal justice as corpus delicti, complicity, preparation for crime, etc., gain specifically new features at the fight with crimes against humanity based on which qualification of crimes is connected with resolution and thus relates crimes against humanity with other crimes and definition of special conditions that sets the characteristic feature of such crimes [2].

First of all, S.Mokhonchuk stresses that criminal law setting corpus delicti of one or another crimes defines their specific features. Corpus delicti of crimes against the humanity is broader as its elements are not separate characteristics but frequently are big clusters of main criminal offences. Crimes against humanity especially those that involve military aggression or violation of war laws and customs embrace significant and various group of delicts united in one definition, one corpus delicti of crimes against humanity. For example, military corpus delicti generalized big groups of main criminal offences (murders, assaults, theft, etc.). In the same time “war” as the element of aggression is in its turn different from “action’’ as an element for every corpus delicti as war is a complicated system of actions [2]. It is possible to agree with such statement but it does not affect the qualification of a crime based on national criminal legislation

where elements of corpus delicti crimes possess circle of independent general criminal ones.

Besides above-stated every crime against peace, humanity or military should always obtain its own legal estimate and further on they should be qualified based on the accumulation. In other words, any of the named crimes cannot "include'' the other one. The basis for this conclusion is the recognition of relevant interests of international peacekeeping, security of humanity and compliance with rules of warfare and military conflicts, etc. [3]

The presented statements have been directly confirmed in decisions and activity of international military tribunals. It is seen in the activity of International military tribunals on former Yugoslavia and Ruanda where the definitions of "crime against peace", "crime against security of humanity" and "military crime" are formally divided [4].

Thus, the corpus delicti of crime against peace and security of humanity possesses a system of attributes that can found in international criminal justice. Nevertheless, the juridical qualification of an action purposed at settlement of responsibility for the commitment per these attributes is grounded as at norms of international criminal justice so as at national criminal legislation.

To conclude it should be admitted that drawbacks of national criminal justice and necessity of changes for correct reflection of serious crimes against peace and security of humanity were discussed at the expert round table "Implementation of norms of International Humanitarian Jusitice and Rome Statute of International Criminal Court to the national legislation of Ukraine" which occurred on July of this year in the Parliament of Ukraine. During the work of round table special attention was paid on analysis of barriers preventing from subjecting to responsibility the persons carried out international crimes, discussion was made on implementation of Rome Statute of International Criminal Court and standards of International Humanitarian Criminal Justice into the Criminal Code of Ukraine. Law of Ukraine "On inclusion of changes to Criminal Code of Ukraine to maintain its harmonization to the statutes of Rome International Criminal Court" [5].

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THE PART OF CRIMINAL LAW IN BUILDING OF A LEGAL STATE

The construction of the rule of law is one of the main tasks of each independent state. This issue is especially acute today in the states that were formed in the Post-Soviet space. After all, many things must be taken into account in order to build a legal state. This, the creation and implementation of legal regulations, the rule of this legal law, the separation of power, ensuring the implementation of rights and duties of a person and citizen, mutual responsibility of the individual and the state, control and supervision of compliance with laws and the rule of law, and much more. In this context, it is necessary to pay attention to attempts to build a rule of law by our ancestors, to analyze their mistakes and, considering them, to build their own law-governed state.

An important role in the construction of the rule of law belongs to criminal law. Exactly, the criminal law determines which misdemeanors are illegal, and what punishment is imposed for their commission.

Considering the historical development of criminal law, one must proceed from the formula, that the law does not have its own history, independent of the history of civilized society, from the history of the development of economic, industrial relations. Changes in socio-political conditions in society tend to entail partial or complete renewal of legal norms, including criminal ones, which, like the whole legal part of the

superstructure, should help the prosperity of the state. Criminal legislation cannot be detached from real social processes. It will only reach its aim when it is brought to life by the objective development of the economic, political and legal spheres of society.

At the same time, it should be noted that in the struggle for the creation of their own statehood in all ages, methods and techniques, which guided the state bodies to prevent and punish all manifestations of criminal activities of destructive elements. These elements stood in the way of creating a new state organism, prevented the construction in it of such a state system that would ensure the existence of a young state and the maintenance of proper security and order in it.

For the period of the formation of the new system, the most characteristic is that the change in the state system is accompanied by chaos in the sphere of legislation. This is because some old laws are in force, which will soon be abolished, and new ones will replace them, which cannot immediately resolve all political, economic and social relations in society. Together with legislation of a socio-economic and administrative nature, important role in this regard belongs to the criminal law. It goes without saying that for the safety and protection from criminal attacks against the young state rules of criminal law, who guarded the existence and structure of the previous state formations, it was not always appropriate. Therefore, each stage of nation-building is different to work on updating the old criminal laws and the creation of their criminal laws. Although it should be noted that in the first period of the creation of a new state the criminal legislation of the previous formation is widely used, but only in a part that does not contradict the principles proclaimed by the new government. Gradually, changes and additions are made to it, which are related to the conditions of the new time, further there are new sources of criminal law. Over time, they are systematized into one legal act - Criminal Code, which regulates the criminal-legal relations in the society.

Of great importance for the creation of a criminal law that would really protect the interests of the state and the interests of the person from criminal attacks and contribute to building the rule of law, has an objective study of criminal law phenomena. Such a study is impossible without the use of historical and theoretical methods. After all, the history of criminal law is a consistent exposition of the development of criminal law in the state for a certain period of time, in connection with the changing needs and conditions of people's life at this time. Theoretical research will always give tangible and socially useful results, if we rely on historical experience. Based on historical analysis and synthesis, the theory develops its own

category determines the patterns and trends in the development of legal regulation.

The study of criminal law heritage of the people connected with the attempt to use this experience, is an instrument for the analysis of the problems of modern criminal law. At the same time, the historical experience of legislative activity is ambiguous, and therefore contains both positive and negative features, characteristic for the modern period and the more distant past, inherited by him. In it, there are elements of traditional, proven practices, national perceptions of the material and spiritual values of society, and elements of a new understanding of the problems of its development, which only break their own path. Therefore, it makes sense to summarize the historical experience of the criminal law, to critically evaluate it from the perspective of the present day, creative use, where appropriate, positive experiences and avoid the mistakes of the past in today's practice, which certainly contribute to the construction of the rule of law.

If we talk about the independent significance of criminal law in the construction of a rule of law state, it should be noted that criminal legislation, first of all, serves as an indicator of the role of criminal law in the life of society, its place in the system of relations between the state and the individual. Since the criminal legislation, first of all, determines the range and characteristics of those acts that the state calls criminal, then from how wide this circle is, what exactly actions are criminal, can be seen, on the one hand, the level of civilization and humanism of the state, and on the other - about the actual boundaries of what is permitted for each individual.

Secondly, the criminal law is one of the criteria for assessing the existing legal system. The optimal combination of permits, regulations and prohibitions in legal regulation, the use of the mechanism of criminally legal regulation only in cases of extreme necessity testifies to the high level of improvement of the legal system. Conversely, non-optimal combination of permits, regulations and prohibitions, frequent use of the mechanism of criminal law regulation testifies to imperfection of the legal system. In this regard, the criminal legislation makes it possible, to some extent, to assess the completeness, integrity and systemic nature of the legal regulation of various spheres of public life.

Thirdly, criminal legislation acts as a normative embodiment of the rule of law and the inadmissibility of analogies in the mechanism of criminal law regulation. This is due to the fact that only a criminal law establishes a circle of acts that are defined as a crime. Acts that do not

belong to this group, in any case should not be called a crime and draw criminal liability.

And, fourthly, the norms of criminal legislation are the necessary legal basis for the qualification of crimes. Without a corresponding normative prescription, it is impossible to determine which crime was committed.

Great importance in the construction of the rule of law belongs to the judiciary. In this regard, it should be noted the main shortcomings of the criminal law, which hinder the work of the court and require immediate eradication: incompleteness of the criminal law - the provision expressed in the text of one normative legal act, does not fully comply with the provisions of other normative acts, that is, it is clarified wider or narrower; the ambiguity of some criminal law norms - the text of the text can't fully understand the idea of the legislator; internal contradiction of the criminal law - different answers are given to the same question in different regulatory legal acts.

In order to prevent these shortcomings and increase the role of criminal law in the construction of a state based on the rule of law, it must be based on the following provisions: all the norms of criminal law must comply with the norms of the Constitution and in no case violate the constitutional rights of man and citizen; the main source of criminal law should be the Criminal Code, and all other criminal provisions are gaining strength only after the introduction of the Criminal Code; in the system of criminal law there should be a clear division into chapters of the generic object, which is subject to legal protection; the application of criminal law, if possible, should take into account all the possible consequences of their application; the criminal law should act as an intermediary between the state and the individual; when reforming criminal legislation, it is necessary to study and use the positive historical experience of legislation that has been in effect for many centuries; The goal of criminal legislation should be to achieve full correspondence between criminal injunctions on the one hand and the actual conditions of life on the other, that is, criminal legislation should not hinder the progressive development of society, but should direct it to the legal channel.

Thus, the development of criminal legislation is of great importance for the construction of a rule-of-law state. Especially, the current process of constructing such a state and civil society is a very fast pace. He puts forward, and will put forward new complex theoretical and practical problems of the realization of human rights and freedoms. All this requires the science of criminal law, the main efforts were directed at identifying

trends in the further development of criminal law, and it is reforming and improving the state of the fight against crime at the present stage.

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INSTITUTE OF EXTRADITION: CRIMINAL-EXECUTIVE ASPECTS

According to Art. 124 of the Constitution of Ukraine, binding for execution throughout the territory of Ukraine, are only judicial decisions made by courts in the name of Ukraine. Therefore, it is correct to assume that the action of a court decision is limited to the territory of the State whose court it was issued. The sentence of a foreign court has no legal effect in the territory of another country. Only in the case of permission by the procedural law of a certain state to recognize and enforce sentences of foreign courts in criminal proceedings, a foreign court's judgment receives legal force in the territory of another country. In order for such a sentence to have legal consequences in Ukraine, it must be recognized by a court of Ukraine in accordance with a law or an international treaty. That is why the jurisdiction of the courts of foreign states can not extend to the territory of Ukraine.

Judicial decisions of one state are valid only in its territory and have no legal consequences in the territory of another state without the consent of the latter. Such consent of the state can be provided by concluding international agreements, the consent of which is binding on the authorities of their legislative power. According to Art. 124 of the Constitution of Ukraine and Art. 19 of the Law of Ukraine "On international treaties of Ukraine", the existing international treaties, the consent to be bound by which is provided by the Verkhovna Rada of Ukraine, is part of the national legislation of Ukraine. Therefore, part of the national legislation of Ukraine is the international treaties regulating the recognition and enforcement of court decisions of foreign courts in criminal proceedings and ratified by the Verkhovna Rada of Ukraine.

Among the international treaties regulating the Institute for the recognition and enforcement of foreign judgments in criminal proceedings are, inter alia, the following: European Convention on the International Validity of Criminal Judgments of 28.05.1970, ratified by Ukraine with Statements and Cautions Law of 26.09.2002 (Entered into force

12.06.2003); Convention on the Transfer of Persons Sentenced to Forfeiture for serving a sentence in the State of which they are nationals of 19.05.1978; Convention on the Transfer of Sentenced Persons of 21.03.1983 (the relevant Law on Accession of 22.09.1995) and the Additional Protocol thereto dated September 22, 1995 (ratified on April 3, 2003); European Convention on the Granting of Offenders of December 13, 1957 (ratified on January 16, 1998 with two additional Protocols to it: Additional Protocol of 15.10.1975 and Second Additional Protocol of 17.03.1978); European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders from 30.11.1964 (came into force on 22.09.1995); Convention on the Transfer of Proceedings in Criminal Matters dated 15.05.1972 (Ukraine joined it in accordance with the Law of 22.09.1995); The Convention on the Transfer of Mortal Disabled Persons for Forced Treatment of 28.03.1997 (ratified with the clause of 11.01.2000) and bilateral treaties regulating the transfer of prisoners concluded from more than a dozen foreign countries - Uzbekistan, Azerbaijan , Brazil, Kazakhstan, Armenia, Georgia, China, Senegal, Tajikistan, Iran, Turkmenistan, and Libya.

The international legal framework on the issue of executing a foreign court sentence in Ukraine is quite broad. According to the Ministry of Justice of Ukraine, based on the existing practice of applying the provisions of the Convention on the Transfer of Sentenced Persons in 1983 by courts of Ukraine, enforcement of a foreign court sentence in Ukraine is quite widespread.

In accordance with the provisions of Art. 3 of the European Convention on the International Validity of Criminal Judgments, which was concluded by the member states of the Council of Europe on May 28, 1970, and the consent to be binding on our state by the Verkhovna Rada of Ukraine, Ukraine may execute a punishment imposed by a court judgment of another state. The contents of Art. 4 of the Convention restricts the possibility of such a punishment only in cases where the act for which that punishment is imposed is recognized as a crime under the laws of Ukraine, and the person who committed it would be liable to criminal liability if it had committed it on the territory of Ukraine. In other words, the principle of "double wrongdoing" is again confirmed.

It should be noted that the institution of recognition and enforcement of foreign judgments had not previously been settled at the appropriate level, either by the criminal-procedural nor by the criminal-executive legislation of Ukraine, although courts often had to deal with this category of cases. Courts were forced to decide cases of this category, without

violating the principle of legality, to make decisions that should meet the requirements of procedural decisions. Thus, the indicated sphere of international cooperation was generally regulated by international multilateral and bilateral legal agreements.

The provisions of Part 4 of Art. 10 of the Criminal Code regarding the enforcement of a foreign court judgment in Ukraine is the legal basis for the application of the country's criminal-law jurisdiction, which may cover various cases in its content: first, the recognition and enforcement of a foreign court sentence in Ukraine, and, secondly, the transfer of a convicted foreign judge A citizen of Ukraine for serving a sentence in Ukraine.

Consequently, the institution of execution in Ukraine of a foreign court sentence is a complex legal formation, the application of which is possible subject to perfect knowledge of not only the current national legislation, but also the international legal norms that are valid for Ukraine. Proper interpretation of not only the procedural procedure for executing a foreign court's judgment, but also its criminal and legal grounds, will prevent mistakes in law enforcement activities, ensure stability in the process of international cooperation, and guarantee the strict observance of human and civil rights and freedoms in the process of their implementation.

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COMPARATIVE AND LEGAL ANALYSIS OF CRIMINAL AND LEGAL PROTECTION OF INDIVIDUAL COMPONENTS OF NATURAL ENVIRONMENT: EUROPEAN EXPERIENCE

The problem of criminal legal protection of individual components of the environment is relevant is that the importance of maintaining the integrity of the land, balance water resources, flora and fauna just beginning realized by individual actors, including at the international level. Until recently, for example, was a common belief inexhaustible land resources, infinite in its use samovidnovlyuvanosti fertile properties, although the lack of fresh water and pollution of the ozone layer have been actively speaking in the last century.

Today we can confidently say that most land in Europe and the world in general are in a critical condition, widespread land degradation

processes, the most common are erosion, pollution, flooding. Not least among the negative process is the process of anthropogenic impact on the ground.

It should be noted that today is still a need to study the legislative experience of some European countries that have succeeded or specific achievements in resolving issues of criminal protection of individual components of the environment. Important is the need to identify areas of criminal law protection of environment as a whole and its individual elements.

Of particular interest for the improvement of the legislation are Comparative study, which is the basis comparative method. However, the use of the latter does not involve a direct transfer rules one state to another norm. You must not only investigate, examine, but also to analyze the selected rule or law.

Criminal law advanced European countries regarding the protection and use of land, water and so consider this issue primarily in the context of environmental protection as a whole and as an element of protection and conservation of wild flora and fauna.

However, noteworthy differences in the studied environmental legislation of the European countries, that lack of a clear and direct international legal mechanism of regulation of relations on the legal regime of the individual components of the environment, including protection of land, the emphasis which raised during this study . Thus, most international instruments indirectly determine land protection, as convincing evidence of the content of conventions aimed at combating and countering various types of pollution. Among these acts can mention the Convention on the assessment of the environmental impact in a Transboundary Context of 25 February 1991 Declaration on pollution from October 1, 1976 in San Paulo, the Convention on Access to Information, Public Participation in Decision-making and Access to justice in environmental matters of 25 June 1998, the Basel Convention on the control of transboundary Movements of hazardous wastes and their elimination on May 5, 1992, the Rotterdam Convention on proce py Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade on September 10, 1998 and so on.

Regarding the criminal protection of the environment in a particular country, then we note that the current Criminal Code of Germany contains the 29 "Crimes against the environment" in which there are 13 sections, 10 of which assumed responsibility for socially dangerous acts committed against individual components of the natural . For example, paragraph 324 provides for liability for soil contamination if it can cause harm to another

person, animal, plant, water, or other property that is essential. Some provisions of the criminal law provides for liability for contamination of soil and for violation of transportation fuel, but only when there is a threat of injury to human health or the environment.

Studying law on criminal liability of the Republic of Poland for violating rules that protect the environment, we note that the legal basis of criminal liability for violations in the field of environmental protection act following laws: the Law of the Republic of Poland "Right of construction" of July 7, 1994 , the Law of the Republic of Poland "on prevention of marine pollution by ships" of 16 March 1995, the Law of Poland "on hunting" of 13 October 1995, are not ma UT systematic character.

Thus, analyzing the environmental legislation in some European countries may be noted that indeed at the constitutional level as a priority - the protection of the environment, causing the approval of the basic principles of European countries on which the legislation aimed at protecting the environment, positive feel tends adoption and preservation stricter rules regarding the effective criminal law protection of the environment, namely the construction of warehouse s relevant rules are not as tangible and as formal or as tort risk.

However, the experience of European and international experience in the proposed field of public relations clearly demonstrates a lack of comprehensive and universal environmental standards that would holistically concerning environmental protection.

In our opinion, the logical result of the international spivtovarysta in the field of environmental protection may be the development and adoption of a single codified act that contains all rules aimed at protecting the environment and its individual components and commensurate with appropriate penalties for their violation.

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FRAUD PREVENTION IN INSURANCE COMPANIES

We know that insurance is based on contractual terms under which the insurer gives and the insurer assumes the insurance risk for a fee (premium) to implement the insurance indemnity in favor of the insured (beneficiary or a third party) if the insured event. But the main thing in this case, must necessarily realized one of the principles of insurance - the most

trusted party that assumes that each participant agreement shall notify each other complete and accurate information about the subject of the contract, but on the other hand, the failure of this principle is not required 'necessarily means the possibility of fraudulent practices in the insurance sector. Fraudulent activity implies the existence of at least one of the following elements: - misrepresentation regarding significant circumstances within the subject matter of the insurance contract (for example, withholding information, forgery or fraud); - the intention to mislead; - the intention of obtaining illegal revenue. The absence of even one element of this illegal activity refers to the category of abuse in the insurance sector, which should be understood by any activity that uses the insurance law opposite way. Thus, the abuse of insurance is part of insurance fraud that unlike him, has no legal consequences.

Focus on the types of insurance fraud: 1. Depending on sources: internal and external fraud. Internal fraud committed by agents of the insurance market, including: insurance companies, insurance agents, brokers and other representatives of the insurance industry (such as the sale of insurance policies without a license for a particular type of insurance theft of insurance reserves; obstructing an investigation related public authorities). External fraud is a form of abuse in the insurance sector by policy holders, beneficiaries or third parties, sometimes through participation in collusion with insurance agents, brokers and other intermediaries and assisting organizations (eg, providing false information and initiating an insurance case to obtain insurance compensation, billing mediation organizations for non-existent or unnecessary services to meet the insurance company or providing the same score for opla and several times). 2. Depending on the stage of committing fraudulent activities, insurance fraud (from underwriting to payment of insurance). Fraud underwriting stage includes illegal activities related to the concealment of information on the stage of submission of application for insurance for the policyholder. Also include fraud committed at the stage of renewal of the contract; coverage determination or smaller insurance premium; willful default of existence has concluded an insurance contract covering the same property risk and the risk of an accident; and obtaining insurance coverage for fictitious (imaginary) risks. It should be borne in mind that the policyholder must necessarily inform the insurance company any information on changes of the object of insurance. 3. Depending on the nature of insurance fraud, "spontane" fraud and planned fraud. The socalled "spontane" fraud associated with undesirable opportunistic behavior and policyholders is to use the possibility of overstating the size of the loss on

real insurance claims. The planned fraud involves clearly thought out and implemented fraud for the purpose of augmenting their income or income third parties through insurance companies (examples are intended fraud include submission of an accident on fictitious injuries, accidents, theft, abuse involving doctors, lawyers and other professionals , embezzlement of premiums by insurance agents; fraud by insurance companies when entering into and performance of the insurance contract). Therefore, the term "planned fraud" directly linked to a criminal offense, namely Art. 190 of the Criminal Code of Ukraine.

Common deceptive practices in the insurance industry are: - injuries due to staged accidents, including injuries rigged confirmed diagnosis doctor; - manipulation of the repair of vehicles, including overstating the cost of repairs; - fraud on the part of property owners, which involves burning building or other immovable object ownership to obtain insurance, fictitious organization burglary; - fraud on disability, including staging injury / illness or exaggerating the extent of damage the body.

But the fight against insurance fraud is complicated by many factors: - Insurance fraud is a dynamic phenomenon that evolves together with the environment and the operation progresses due to increased complexity of operations; - Insurance fraud is difficult to detect. To this end it is necessary to implement an appropriate system of monitoring and control of the insurance company or supervisors sector; - legal proof of fraudulent practices in the insurance sector is complicated and depends on the professionalism of the security of the insurance company. In this regard, the company has to invest significant financial resources to the training of relevant personnel and complex software that helps detect cases of insurance fraud; - the need to perform multifaceted functions of service control for insurance fraud and the main task of monitoring the structural unit of insurance fraud is to prevent, detect, monitor and investigate various abuses in the insurance industry; - For maximum effectiveness of the control system of insurance fraud should consider the following: - control of insurance fraud must be dynamic, not static in nature. Static control tools that underlies appropriate automated software systems, helping to ensure procedural consistency, but is unable to verify the authenticity of the transaction; - monitoring the level of transactions is insufficient to effectively combat abuses in the insurance sector. Successful detection of complex fraudulent schemes should be based on the results of horizontal analysis and cross-context information about the transaction and clearly regulated procedures for external authentication of the data; - responsibility in the control of insurance fraud within the structural units of the insurer

disappear with the establishment of appropriate automated systems prevent abuse, because not provide the expertise for the operation of the model. Therefore, it is important to determine those responsible for the supervision of insurance fraud on various types of insurance specialization, establishing their relationship with the Security and regulation stages within automated monitoring software, which involve these employees; accurate assessment of the costs of measures to prevent and counter insurance fraud is a difficult task, since the relevant control procedures are potentially significant in terms of cost, duration and degree of fragmentation in different types of insurance; - conflict strategic development tasks of the insurer and control of insurance fraud, namely the nature of the warning control of fraud is seen as a threat to the formation and maintenance of image insurer aimed at increasing the loyalty of policyholders; efficient service insurance contracts recently become synonymous with efficiency of business processes, in this sense means a reduction in the length of time identifying fraudulent activities during the underwriting or the decision to pay the insurance indemnity; - the fight against insurance fraud should not be a separate initiative. In theory, the insurance company that uses technology to control the insurance fraud, receives the appropriate competitive advantage.

Summarizing the foregoing, it should be noted that currently effective element of control over insurance fraud is to organize and maintain a database of abuses in the insurance sector, but the initiative on the creation of such a database is owned by the insurance companies and their associations, self-regulatory organizations together with the competent supervisory authorities of the financial sector. And most importantly, a mandatory element of the current legislation should be the definition of insurance fraud and its types, methods of identifying elements of administrative and criminal liability.

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ARREST AS A FORM OF PUNISHMENT UKRAINE THE DRAFT LAW "ON AMENDMENTS TO SOME LEGISLATIVE ACTS UKRAINE ON INTRODUCING CRIMINAL OFFENSES"

According to Criminal Justice Reform Concept of Ukraine approved the Decree of the President of Ukraine 04.08.2008 p. № 311/2008, as the basis of its reform should be based on centuries-old traditions of national lawmaking and judiciary, the provisions of national law which passed the test of time and justified the practice, progressive legal institutions of the European Union, international law. The objective of the Concept is to create scientifically sound methodological basis, determine the content and direction of reforming the criminal justice system.

The purpose of the bill number 2897 from 06.03.2016. "On amendments to some legislative acts of Ukraine on introduction of criminal offenses," as stated in the explanatory note to it, is the realization of state policy on humanization of criminal responsibility, which results in the medium term has become significantly reducing the number of convicted persons and persons who will be deprived, improving resocialization and a significant reduction in crime in Ukraine. To achieve the above stated goals in the bill amends a number of regulations, principal among which occupy amendments to the Criminal Code of Ukraine (hereinafter - CC).

Thus, to implement the declared goal of the Criminal Code proposed to extend the application of alternative imprisonment and softer penalties, including - in the form of arrest due to its slight gain.

In general positive characteristic changes to the Criminal some require further discussion and argument. For example, ch. 1, Art. Bill 60 declared minimum size of arrest for committing a misdemeanor in an amount of 5 days. There is a logical question: what was the purpose of punishment can be achieved in 5 days serving the sentence? This is enough! Penalties must achieve its goal (ch. 2, Art. 50 of the Criminal Code); Increase the minimum size of arrest!

The bill introduced graduation (I, II and III) arrest, correctional labor, service restrictions and community service for criminal offenses. But

determining the degree of arrest (p. 1 Art. 60 of the bill) is incomprehensible, unjustified and disproportionate. Thus, the degree and provides for detention for a period of 5 to 15 days (the difference - 10 days); Second stage - 16 to 60 days (45 days difference); III degree - 61 to 90 days (30 days difference). It is not clear why the second degree such gross margins minimum and maximum penalties? In our view, this is contrary to the general idea of the bill and could lead to corruption. It seems that the issue of degrees of arrest, correctional labor, service restrictions and public works requires further study if its implementation.

Unreasonable, illogical and those that violate the constitutional principle of equality of citizens is the provision ch. 3. Bill 60: "The arrest is usually not applicable to employees with longer continuous service in the enterprise, institution or organization." It is unclear why other penalties restraint and imprisonment for a minimum period of 6 months (draft version) applicable to persons with long-term continuous service in the enterprise, institution, organization, and arrest - can not?

Because of legislative initiative is necessary to examine more deeply the issue of reforming the sentence of arrest and further reforming the criminal justice system and improving the standards of the Criminal use theoretical heritage of scientists.

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THE DEFINITION OF "VEHICLE" IN THE INTERNATIONAL REGULATIONS

Vehicles are the subject of certain crimes against traffic safety and operation. According to provision of Article #286 of the Criminal Code of Ukraine under the vehicles in this Article and in the Articles ## 287, 289, 290 should be understood all kinds of cars, tractors and other self-propelled vehicles, trams and trolley buses, motorcycles and other motor vehicles as well. The legislator has defined the term "vehicle" through the counting of its specific types.

According to the Section 1.10 of The traffic rules, approved by the Cabinet of Ministers of Ukraine on10th of October 2001, the motor vehicle is defined as a vehicle that is driven using the engine. This term is applicable for

tractors, self-propelled machines and mechanisms, trolley-buses and vehicles with electric power more than 3 kW as well [1].

It should be noted that this is a legislated term. However, it has other interpretations in the international treaties to which Ukraine granted approve on necessity of relevant international agreement for it (Ukraine).

Thus, in the Convention on Road Traffic (est. in Vienna, November, 8th, 1968) Article #1 states: The term "motor vehicle" means any self-propelled road vehicle, excluding bicycles with an outboard motor on the territory of the Contracting Parties, which are not equating them to the motorcycle, except rail vehicles [2].

There are other definitions of the vehicle in the international agreements of Ukraine, which entered into force in due course:

1) a) for the carriage of goods - any truck, truck trailer, tractor trailer or truck with a semitrailer, semitrailer;

b) for the carriage of passengers, more than 8 persons, including the driver [3].

2) Any vehicle or trailer; this term includes any combination of vehicles [4].

3) Mechanical road vehicle and any trailer or semi-trailer designed to tow it that the vehicle [5].

4) motor vehicle registered in the territory of the Contracting Party or combined vehicles, including at least motor vehicle registered in the territory of the Contracting Party, used and designed only for the carriage of goods or passengers [6].

5) A mechanical device designed to transport people and (or) cargo and also designed with special equipment or mechanisms [7].

6) a) Any vehicle with mechanic engine which unter its design is suitable for the transport of more than eight passengers, excluding the driver, or cargo or for towages such vehicles;

b) a combination of the vehicle identified above in the paragraph "a", a trailer or semi-trailer connected to it, and intended for the carriage of passengers and goods [8].

7) Automobiles, trucks with semitrailers, trailers that meet the definition in Article # 4 of the Convention on Road Traffic est. in September 19th, 1949, with the exception of vehicles belonging to the armed forces of either Contracting Party or are subordinate to those forces [9].

8) Any type of vehicle with mechanical traction, which according to the technical and structural requirements can carry more than nine passengers, including the driver or transport cargo truck with a semitrailer / trailer or without, which is registered in the territory of a Contracting Party [10].

9) Any type of vehicle with mechanical traction, designed according to its specifications for the transport of more than nine passengers, including the driver, or for the transport of goods vehicle with vehicle (trailer) or without him, and in the territory of a Contracting Parties [11].

10) The vehicle or group of vehicles, including at least one vehicle registered on the territory of Contracting Parties, which is specifically equipped and used to carry cargo or passenger bus [12].

11) The vehicle, designed to carry cargo (including trailers or semi-trailers) and passenger transport; registered in the Republic of Belarus or Ukraine [13].

12) a) vehicle driven, designed or adapted for the carriage of goods or for towing other vehicles;

b) a set of vehicles that meet the requirements specified in provision (a) and the trailer or semi-trailer;

c) road vehicle with mechanic engine, which is equipped with constant equipment and is its integral part, which is not treated as cargo;

d) the vehicle, designed to carry more than nine passengers including the driver [14].

After analyzing the definition of "vehicle" in the international agreements we can resume that this concept is characterized by common features such as: it is suitable for the transport of people and passengers (more than 9 people), cargo through customs (state) border; can be used for towing other vehicles, special equipment or machinery can be set in it; registration on the territory of Contracting Party.

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STATE OF STRONG BLOOD HOT, AS CIRCUMSTANCE THAT COMMUTES SENTENCE

Strong blood hot in the criminal legal understanding, first of all, it is necessary to examine from position the decision of accordance of rich in content side of this concept to the functions that is executed in a law on criminal responsibility.

As a circumstance that commutes sentence in relation to the commission of crime in the state of strong blood hot it is presented in Criminal Code of Ukraine in two forms : as general extenuating circumstances that influence on the measure of punishment and responsibility; as an extenuating circumstance that is included in the complement of crime. In such quality she is presented in the next articles of Criminal Code of Ukraine : 1) century 66 "Circumstances that commute sentence" - as the strong blood hot, caused by the wrong or amoral acts of victim;2) century 116 "Felonious homicide, perfect in the state of strong blood" hot and century 123 "Intentionally the heavy bodily harm caused in the state of strong blood" hot, - as strong blood hot, that suddenly arose up as a result of illegal violence or heavy offense from the side of victim.

In the theory of criminal right and in judicial practice there is not the only understanding of the special mental condition of winy person, that comes forward as circumstances that soften responsibility after a century 66, 116, 123 KK of Ukraine. In literature about criminal responsibility next to a term "strong blood hot" the name "physiology affect", "affect", "sudden strong blood" hot, "blood" hot, is often used. The same variations in terms can be met and in the judicial documents of concrete criminal realizations.

In the theory of criminal right for understanding of "strong blood" hot opens up the method of equation of this concept with the physiology affect known in psychology. Analysing the state of strong blood hot of V. I. Tkachenco the following finds out : "As strong blood hot is a category psychological, then for correct application of norms that is investigated by important there is clarification of his maintenance and kinds. Strong blood hot is named most and separate courts criminal lawyers by a physiology affect". Analogical position is occupied at opening by a concept "strong blood hot" and other criminal lawyers. Thus, the specific form of external display - active actions sent to the removal of external irritant is present the

state of physiology affect. In a criminal value the form of external display of physiology affect is criminal behaviour.

As a study of materials of judicial practice showed, in most cases a physiology affect really arises up for a winy person as an immediate reaction on the wrong acts of victim. At the same time it does not mean complete absence of situations, when such special mental condition of winy person arises up after the feasance of illicit actions of suffering person. For example, the known case of judicial practice, when meeting in a few days with a person that closed owe heavy offense, caused in the last the state of physiology affect, under act of that he accomplished felonious homicide .

Offense presents by a soba the intentional humiliation of honour and dignity of person, expounded in an improper form. She can show up both in a verbal form and in certain actions. Composition of offense takes place and then, when the humiliating estimation of person expounded in an improper form answers reality. Offense can touch a person to that she is sent both directly and other person, on condition that the guilty realizes that such offense will be well-proven into consideration of offended (in absentia offense). Question about that, what offense is heavy, is the question of fact that gets untied by a court in every case taking into account all concrete circumstances of criminal case. Weight of offense must be determined on the basis of analysis of two moments : correlation of the objectively expounded offense with the norms of moral of modern society and correlation of offense with social options, positions, looks of suffering from offense person.

Heavy offense from the side of victim can not be equated from simply by offense (a century 126 Criminal Code of Ukraine in 1960), because heavy offense, as a rule, comes true by intentional humiliation of honour and dignity of person in an especially improper form or on maintenance is facial especially touchy. Domestic treason can be also examined as heavy offense only in case that she is accompanied by cynical actions concerning of victim from her, id est characterized by the high degree of amorality. Thus, setting less severe punishments for the feasance of illegal actions in the state of strong blood hot, legislator, in our view, it goes out the special state of moral values of person, that is affected by heavy offense. Id est, the moral values of person find an imprint in the estimations of public danger of actions that harmed to the law-enforcement objects.

In accordance with it, a public danger of crime, perfect under act of strong blood hot, that arose up as a result of heavy offense, is less than, than crime perfect without this circumstance.

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TEACHING ENGLISH THROUGH PROFESSIONAL INTERACTION AT THE INITIAL PERIOD OF STUDY AT THE NATIONAL ACADEMY OF INTERNAL AFFAIRS

As we live in the global and unstable world its necessary to be able to find information in the neverending stream and the English language is one of the main tools which enable us to do this. The language teaching at the Academy with its peculiarities is the aim of the article. Taking into account that the study of the English language must be mainly communicative oriented we propose to pay special attention to the development of dialogical speech on the base of the authentic materials. While speaking about choice of teaching methods it is useful to remember the words of the Police Guidelines which state that: "In any public service organization, training will play a major part in ensuring that officers possess then ecessary knowledge, skills and attitude stoc on duct them selves in a profession almanner and toper form their roles effectively an dinaccordance with the policy of the organization. Most police forcesin Europe devote a very substantial amount of time both to initial andin-service training to a chieve the segoals" [3].

O. Kuznetsova in her research works defines, that the studies of the law enforcement officers and lawyers educational processes, state that the main aim of teaching English in higher educational establishments is teaching English with specific aim, in other words development and formation of cadets communicative competence on the background of the professionally oriented training (usage of the foreign languages in the professional context and situations which require professional communication) [1].

From this point of view, the usage of dialogues and teaching through communicative situations must prevail. The dialogical speech is defined as the process of the speech interaction of two or more participants of communication. According to this notion we can draw the parallel between interaction of an officer with a citizen or citizens in concrete situations which demand his/her participation. Speaking about communicative functions of the dialogical speech we must mention such communicative functions of it [2; 146-147]:

1) request for information – receiving information;

2) proposition (in the form of ask, order, advice etc.) – acception/denial of information;

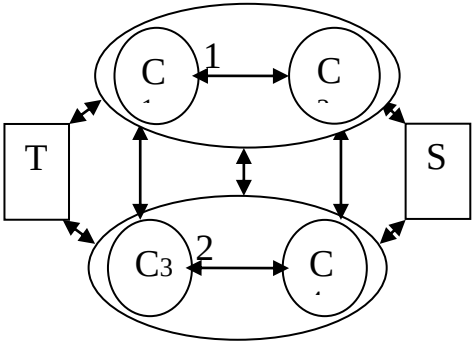
3) interchange of points of views, impressions, believing;

4) opinions, believes, proves of one's points of view.

So, our main task during the first year of cadets' study is to form such skills and abilities which would allow them to use professional content in their speech (where dialogue prevails).

It is also worth to mention that dialogues have different functional types and kinds of dialogical units which are the most suitable for them. From the point of view of the Professional English we are especially interested in some kinds of them. The most important for them: a dialogue – a questioning, a dialogue – an inquiry, a dialogue – an order, a dialogue – an agreement and so on.

The main aim of the dialogical speech skills development can be considered as an achieved one if at the end of the first year the cadets are ready to perform a complex, professionally oriented dialogue according to such a scheme of interaction:



Here :

C1,C2, C3,C4 – are cadets,

Gr1,Gr2 – groups,

T- language teacher,

S - Source

Of course, there much more forms and technologies which can be used in the work with dialogues, we can easily speak about changing the roles, partners and topics of the dialogues. The roles of prepared material and possibility to react immediately should also be taken into account. The connection of in-class work with preliminary home preparation should also be mentioned. Especially important is to blend the auditory oral communicative work with the developing of writing skills, for example for

grammar materialstudy. A very great potential can be seen in the technical support of lessons, because original audio and visual information can benefit the learning of the material by cadets. In other words, correct, intelligent and creative usage of communicative situations will be a great advantage in the process of study English be future law enforcement officers. It forms skills and abilities of fluent and correct speech and brings a self-confidence to the officers who use foreign languages in their professional activity.

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CYBERKRIMINALITÄT IN DEUTSCHLAND

Die moderne Gesellschaft ist global vernetzt, wir kommunizieren in Sekundenschnelle mit Freunden, Bekannten und Geschäftspartnern weltweit. Mit den positiven Möglichkeiten der Internetnutzung gehen aber auch negative Begleiterscheinungen einher: Cyberkriminellen bieten sich vielfältige Tatgelegenheiten. Straftaten verlagern sich ins Internet, neue Kriminalitätsphänomene entstehen.

Die Kategorie Cyberkriminalität umfasst die beiden Bereiche *Computerkriminalität* und *Internetkriminalität*. Unter dem Begriff Computerkriminalität werden in Deutschland Straftaten eingeordnet, bei denen lediglich ein Computer ohne die Verwendung des Internets genutzt wird. Formen der Computerkriminalität können dabei die Computersabotage, der Computerbetrug, die Computerspionage, die Softwarepiraterie oder der Computermissbrauch sein.

Die Bezeichnung Internetkriminalität schließt in der Unterscheidung zur Computerkriminalität Straftaten ein, die mit den Techniken des Internets begangen werden oder auf dem Internet basieren. Da mittlerweile nahezu jede Straftat der Cyberkriminalität im Kontext mit der Verwendung des Internets steht, stellt die Internetkriminalität einen starken Schwerpunkt im Bereich der Cyberkriminalität dar.

Die Statistiken des Bereichs Cyberkriminalität zeigen unter anderem die Entwicklung der Fallzahlen von einzelnen Formen der Computer- oder Internetkriminalität in Deutschland, die finanziellen Schäden durch Cyberkriminalität sowie die Länder mit dem höchsten Aufkommen von Schadprogrammen. Die Umfragen beleuchten den Informationsstand zur Cyberkriminalität, die Änderung der Internetgewohnheiten in Deutschland aufgrund von Sicherheitsbedenken, den Grad der Besorgnis sowie die wirkliche Wahrnehmung vor einzelnen Formen der Cyberkriminalität.

Cybercrime umfasst die Straftaten, die sich gegen das Internet, Datennetze, informationstechnische Systeme oder deren Daten richten (Cybercrime im engeren Sinne) oder die mittels dieser Informationstechnik begangen werden.

Aktuell verbreitete Erscheinungsformen von Cybercrime sind gekennzeichnet durch die Infektion und Manipulation von Computersystemen mit Schadsoftware, z.B.:

- persönliche Daten und Zugangsberechtigungen des Nutzers abgreifen und missbräuchlich nutzen zu können (Identitätsdiebstahl)
- darauf befindliche Daten / Dateien des Nutzers mittels sog. Ransomware, zu verschlüsseln, um "Lösegeld" zu erpressen,
- sie "fernsteuern" zu können, in sog. Botnetzen zusammenzuschalten und für weitere kriminelle Handlungen einzusetzen.

Bei Cybercrime ist von einem sehr großen Dunkelfeld auszugehen. Das heißt, dass vermutlich nur ein kleiner Teil der Straftaten in diesem Bereich zur Anzeige gebracht wird bzw. der Polizei und/oder den Strafverfolgungsbehörden bekannt ist.

Im Bundeskriminalamt wurden frühzeitig Einheiten aufgebaut, die sich mit den Erscheinungsformen der Cybercrime befassen Zur Durchführung von Ermittlungsverfahren, der Koordinierung nationaler und internationaler Aktivitäten, der Analyse und Lagebeschreibung aktueller Cybercrime-Phänomene besteht im BKA die Gruppe SO 4 – Cybercrime der *Abteilung Schwere und Organisierte Kriminalität (SO)*

Innerhalb dieser Einheit befinden sich u.a. folgende Arbeitsbereiche:

- ✓ Zentrale Ansprechstelle Cybercrime (ZAC)
- ✓ Operative Auswertung Cybercrime

- ✓ Ermittlungsunterstützung / Internetrecherche
- ✓ Zentralstelle Sexualstraftaten z.B. von Kindern und Jugendlichen

Cyberkriminalität kann in verschiedensten Formen vorliegen, also durch dieVerwirklichung diverser Straftatbeständezutage treten. In der Cybercrime-Konvention des Europarats werden für die Internetkriminalität als Beispiele Verbrechen wieDatenmissbrauch oder auchUrheberrechtsverletzungen genannt.

In dem Handbuch zur Vorbeugung und Kontrolle von Computerverbrechen (englisch: Manual on the Prevention and Control of Computer Related Crime) führen die Vereinten Nationen hinsichtlich der Computerkriminalität folgende Beispiele an:

- Betrug
- Fälschung
- unerlaubter Zugriff auf Daten

Die Ermittlungen der Polizei wegen Cyberkriminalität werden nicht selten dadurch erschwert, dass sogenannte Hacker oftmals sozial unauffällig sind und nicht über lange Vorstrafenregister verfügen. In der Regel handelt es sich bei den Tätern um Schüler, Auszubildende oder Studenten – also keineswegs um IT-Experten -, die zurückgezogen leben und vornehmlich Kontakte auf informativer Basis pflegen, anstatt freundschaftliche Bindungen aufzubauen.

Grundsätzlich lassen sich zwei Reaktionsbereiche unterteilen, wenn es zu Straftaten kommt, die der Cyberkriminalität zuzuordnen sind. Zum einen sollten betroffene Personen ihre eigene Datensicherheit überprüfen, um so auch präventiv gegen Täter gewappnet zu sein.

Zum anderen sollte die Polizei bei erfahrener Internetkriminalität der erste Kontakt für Opfer sein. Diese verfügt unter Umständen über Expertengruppen oder Kompetenzzentren, die sich gezielt mit der Problematik der Cyberkriminalität auseinandersetzen.

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US LAW ENFORCEMENT AGENCIES: DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration was created by President Richard Nixon through an Executive Order in July 1973 in order to establish a single unified command to combat "an all-out global war on the drug menace." At its outset, DEA had 1,470 Special Agents and a budget of less than $75 million. Today, the DEA has nearly 5,000 Special Agents and a budget of $2.02 billion.

The budget is directed toward following major goals of U.S. drug eradication:

- demand reduction (anti-legalization education, training for law enforcement personnel, youth programs, support for sports drug awareness programs;
- reduction of drug-related crime and violence funding state and local teams and mobile enforcement teams;
- breaking foreign and domestic sources of supply via domestic cannabis eradication/suppression; domestic enforcement; research, engineering, and technical operations; the Foreign Cooperative Investigations Program; intelligence operations and drug and chemical diversion control. [1]

The mission of the Drug Enforcement Administration (DEA) is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

In carrying out its mission the DEA's primary responsibilities include:

- investigation and preparation for the prosecution of major violators of controlled substance laws operating at interstate and international levels;
- investigation and preparation for prosecution of criminals and drug gangs who perpetrate violence in communities and terrorize citizens through fear and intimidation;
- management of a national drug intelligence program in cooperation with federal, state, local, and foreign officials to collect, analyze, and disseminate strategic and operational drug intelligence information;
- seizure and forfeiture of assets derived from, traceable to, or intended to be used for illicit drug trafficking;
- enforcement of the provisions of the Controlled Substances Act as they pertain to the manufacture, distribution, and dispensing of legally produced controlled substances;
- coordination and cooperation with federal, state and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts through exploitation of potential interstate and international investigations beyond local or limited federal jurisdictions and resources;
- coordination and cooperation with federal, state, and local agencies, and with foreign governments, in programs designed to reduce the availability of illicit abuse-type drugs on the United States market through non-enforcement methods such as crop eradication, crop substitution, and training of foreign officials;
- responsibility, under the policy guidance of the Secretary of State and U.S. Ambassadors, for all programs associated with drug law enforcement counterparts in foreign countries;
- Liaison with the United Nations, Interpol, and other organizations on matters relating to international drug control programs.[2]

DEA officially created and standardized its Special Response Team (SRT) program in 2016 to address higher risk tactical operations in the field. DEA mandates that each major domestic office maintains an operational Special Response Team. Some of the SRT missions consist of High-risk arrests, Vehicle assault, Specialized Surveillance, Custody of High-Profile Individuals, Dignitary and Witness Protection, Tactical Surveillance and Interdiction, Advance Breaching, Tactical Training to other police units, Urban and Rural Fugitive Searches.

Foreign-deployed Advisory and Support Teams is the enforcement arm of the DEA's Drug Flow Attack Strategy. Their stated mission is to

plan and conduct special enforcement operations; train, mentor, and advice foreign narcotics law enforcement units; collect and assess evidence and intelligence in support of U.S. and bilateral investigations.[3]

As of January 2010, FAST fields five teams. One team is always stationed in Afghanistan conducting CounterNarcotics (CN), Counter Terrorism (CT), Direct Action (DA) missions. The remaining four teams are stationed at Marine Corps Base Quantico, Virginia. FAST originally was created to solely conduct missions in Afghanistan to disrupt the Afghan opium trade but has evolved into a global action arm for the U.S. Department of Justice and DEA.

The DEA Special Operations Division (SOD) is a division within the DEA, which forwards information from wiretaps, intercepts and databases from various sources to federal agents and local law enforcement officials.

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ROLE AND SIGNIFICANCE OF ENGLISH LANGUAGE IN TEACHING CRIMINAL LEGAL DISCIPLINES

Ukraine moves into European space by leaps and bounds. The integration covers all spheres of our life, inclusively education and law enforcement activity. Foreign languages were always important, but now their role has reached a new level. With the pace of European integration new possibilities are opening for Ukraine. Thus, our country needs more and more well-proficient specialists in different areas, especially in law enforcement activity. That’s why future specialists of law should be highly-qualified, competent and be ready to use foreign languages efficiently in their sphere.

The relevance of studying criminal law subjects is of a great importance, because of a complicated crime situation prevailing in the country. The principal aim is to prepare specialists of law enforcement agencies, who will have a profound and sufficient knowledge and will be able to provide adequate security for our country and citizens.

As to the question of the use of the English language in criminal law disciplines, I suppose, we should highlight 2 essential points why English is so important for us.

First and foremost, time doesn't stand still. Scientific and technological progress does not stand still and every day new technologies are invented and developed in different fields, particularly in law enforcement. Thus, our law enforcers should be able to read some authentic magazines, web-sites or books in order to find out some new information or experience. So to say, to be in the subject of what is happening in the world and to know the world practice in the sphere of criminal law disciplines. What's more, to be able to speak with their foreign counterparts on the work issues.

The second point is international cooperation. This point is closely related to our police forces, which should be able to cooperate with foreign police units. Such partnership requires not only English itself, but the use of adequate terminology and definitions in order to understand each other.

To sum up, I'd like to say that foreign languages have a significant role in our life, studying in general and criminal legal disciplines in particular. People should learn at least English, because it's a lingua franca. Foreign languages give us new opportunities and directions, that's why this is our «ticket» to the future.

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MAIN FEATURES OF OBJECTIVE ASPECT OF CRIMES IN SPHERE OF LAND MATTERS OFFENCE

The criminal liability for crimes in sphere of land matters foreseen by the number of articles of the Criminal Code of Ukraine: unauthorized acquisition of land plot and unauthorized building (article 197-1); foulness or spoilage of lands (article 239); criminal conversion of ground coating (uppermost layer) of lands (article 239-1); criminal conversion of water fund lands in especially big amount (article 239-2); violation of rules of earth resources security (article 240); violation of rules of water security (article 242).

The actions of officials under commission of crimes connected with illegal transfer of ownership to a land plots as of share, forest, water fund etc., to other individual person are classified according to the standards of articles of Special part of the Criminal Code of Ukraine: misfeasance or official misconduct (article 364), official negligence (article 367), receipt of offer, promise or getting of improper advantage by official person (article 368), improper influence (369-2).

A great number of criminal standards, that is infused with commission of crimes in area of land matters points at the importance of protection of abovementioned relations for the state.

The objective aspect is critical for an open verdict, because it can not be admitted as a crime that, what has not any external expression, correspondingly a components of any crime include the external characteristics of act, as also the external characteristics leave marks in material world, what allows relatively exact a reconstruction of crime pattern and proof a fact of its realization [1, p. 50]. Thus, without an objective aspect or its components crime won't be or won't be finished. The objective aspect, that a legislator most often describes in a disposition of article of a criminal law, for successful practice of human rights authorities, must clearly determine: wherein is a crime, in which manner it was performed and what

consequences were involved, under which conditions of place, time, situation it happened, with a help of which facilities and instruments it was committed.

Let's try to characterize the most specific characteristics of the objective aspect of the investigated articles of the Criminal code of Ukraine.

Art. 197-1 CC of Ukraine – unauthorized seizure of a land plot always belongs to the active actions, the crime is committed in the form of a willful act is directed to usage of a land plot, that certainly is not a property for guilty person and a subject has no rights to it. Therefore, the right way to consider some researchers, can be classified as an unauthorized deforcement of a land plot the omission of person , which does not vacate a rented land plot, seized for social needs etc. [2, p. 10].

The objective aspect of formal crime components: foulness or spoilage of lands (article 239); criminal seizure of ground coating (uppermost layer) of lands (article 239-1); criminal seizure of water fund lands in especially big amount (article 239-2) are characterized by both omission, and active actions, that take place in a certain time, at a certain place, namely take place in case of nonfulfillment completely or in a part of requirements provided by the rules established in accordance with legislation on the condition, that a person was obliged to accomplish them according to these rules and had under these particular conditions a real opportunity for it [3, p. 408, 413, 417].

From the objective aspect a crime of violation of the earth resources security (article 240) can be demonstrated in one of two: 1) violation of established rules of conservation of earth resources, if it created a danger to life, human health or environment; 2) illegal extraction of mineral resources, except of generally used. The violation of established rules of earth resources security can be performed by action or omission. The extraction of mineral resources is foreseen of actions that consist in extraction of mineral resources in every way (pumping, building of mines, excavating plants etc.). The illegality of extraction, that is a mandatory requirement for consideration of actions as criminal, means that extraction of mineral resources is performed without a proper permit – act of patented mining claim provision or with departure from conditions, specified therein. The crime will take place in that case, when a permit is falsified or overdue. [3, p. 419].

The objective aspect of crime in sphere of guidance on water security (article 242) is characterized by the set of three elements: 1) act – violation of the guidance on water conservation in the form of action or omission; 2) consequences in the form of surface-water or ground-water contamination and aquifers, sources of drinking, medicinal water or changes of their natural characteristics, or depletion of water sources, that created a

danger to life, human health or environment; 3) causal connection between act and its consequences [3, p. 426].

The objective aspect of investigated crimes in the sphere of official activities is characterized by the fact, that some of them (art.art. 364, 367, 369-2) can be committed both by action and omission, when in art.art. 366, 368 – only by active behavior, actions. The mandatory characteristic of these crimes are the existence of direct connection between an act of person and its official activities, because they are always ensured by official or professional position of the subject and are committed contrary to the interests of service.

In p. 1 art. 366, art. 368 of CC was determined a responsibility for a crime with formal components, which were finished from the moment of an execution of act, independent of occurrence of socially dangerous consequences. The crimes with material comission in the articles 364, p.2 art. 366, 367 of CC are finished from the start of the consequences, mentioned in theses articles in the form of substantial damage. The substantial damage and heavy consequences can be incriminated to a guilty person only in existence of a causal connection between his act (action or omission) and ensuing of mentioned consequences [4].

In all the cases a determination of the subject of crime in sphere of official activity, when it concerns on an area of land matters, we must clearly determine in credentials of exactly what official person was to make one or another decision, as also those, exactly which of decisions, that were made, and prepared documents entailed a retirement of a land plot from the state property, communal property or property of other person, what means given an opportunity to finish a criminal act.

Thus, it becomes clear, that during qualification of one or another crime an investigator, detective should clearly determine an objective aspect of a criminal punishable act, all its components, for exclusion of error during classification of crime that entails in future absolution of a guilty person in court.

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GENERAL CHARACTERISTICS OF PREMEDITATED MURDER FOR ORDERING

Assassinations are constantly accompanies us from the earliest history of mankind. This type of crime has affected our country, starting with Kievan Rus. The modern history of our state shows that premeditated murder committed by order was a very common crime in the mid 90-ies. And since 1998, their number gradually started to decrease, which on the one hand positive, but on the other assassinations have become more professional and dangerous. Besides, in my opinion, it is impossible to enjoy this, at first glance, the positive statistics when it comes to the deprivation of life of the individual. Therefore, among other reasons, the premeditated murder committed by order and is considered a particularly heinous crime. Unfortunately, the modern criminal situation in Ukraine is characterized by an increase of both quantitative and qualitative indicators of crime. A crime Such as premeditated murder committed in order to make the society a special resonance.To a large extent this is due to the specific nature of this crime and the fact that it is a relatively new phenomenon in the practice of domestic law enforcement.

The study of issues related to intentional murders committed on order, dedicated to the works of such scientists: p. P. Andrushko, V. I. Boyarov, T. V. Dzyuba, V. P., Kobzarenko, N. Th. Korzenski M. I. Miller, V. A. Navrotskiy, V. V. Skibitsky, V. V. Stashys, Is.In. Fesenko, A. A. Shulga, S. S. Yatsenko and others. However, to date, the basic theoretical provisions on the characteristics of this type of crime still remain insufficiently understood and controversial.

The concept of «premeditated murder in part 1 of article 115 of the criminal code set out quite succinctly, is «deliberate illegal causing death to other person». Regarding the concept of «premeditated murder committed by order» in paragraph 11 of part 2 of article 115 of the criminal code it is not provided. In accordance with paragraph 15 of the resolution of Plenum of the Supreme Court of Ukraine (PSU) №. 2 dated 07.02.2003 «On judicial practice in cases about crimes against life and health of a person,» premeditated murder committed by order is deliberate deprivation of life of the victim, committed by a person (contractor) on behalf of another person (the customer). Responsible for clause 11 of part 2 of article 115 of the criminal code occurs only in cases when it ordered the murder, and not some other violent crime. If the customer is instructed to cause the victim bodily injury, and the contractor intentionally killed him, the customer is liable for complicity in the crime, which he organized, or the commission of which persuaded the performer, and the last for the one he actually committed.

The order of the customer the executor of a crime may take various forms. First, it can be a transaction in which the liability is incurred, regardless of when committed were promised by actions performed if the customer has not fulfilled his promise, he was going to do it or not [5]. Secondly, it can be an order or instruction that is executed in connection with the fact that the contractor before receipt of the order for the murder claimed the assassin obligations [6, p. 787]. For murder on the ordering characteristic is that the contractor receives or wants to receive some benefit or to evade any negative circumstances do not result in the deprivation of life of the victim and the execution of the order, through the will and actions (inaction) of the customer or authorized person [6, p. 787-788]. To the actions of a material nature on the part of the customer, in particular, include: payment to the contractor remuneration, transfer or preservation of property rights, exemption from property obligations, and the like. Under the action of a nonmaterial nature is understood any action committing or not committing of which directly is not connected with the material interests of the contractor (employment assistance, solve some of their problems, the exemption from criminal liability and the like). Most homicides in the ordering is done out of selfish wrong. In these cases, the actions of the subjects of crimes are classified according to clauses 6, 11 part 2 of article 115 of the criminal code.

The crime of intentional homicide committed by order, can be divided into 4 groups. The basis for such division is degree of organization

of these murders, the identity of the victims and the scope of activities in which they revolve:

1) the murder was committed on domestic violence;

2) murder committed on the basis of a commercial relationship;

3) murders committed in the sphere of activities of organized criminal groups;

4) the murder was committed for political reasons, on the basis of the professional activities.

Premeditated murder for ordering have a particularly great danger to the public. It is almost always committed with direct intent, they are characterized by cruelty, sophisticated methods of concealment of traces of crime, and hence high complexity of the disclosure. Also, the increased public danger of assassinations is the fact that there is irreversible consequences such as death, and in this regard, the loss caused to the victim of this crime, can not be reimbursed.

So, analyzing the concept of «deliberate murder committed on order» and its essence can be summarized the definition: «Premeditated murder for ordering is murder which is committed by the contractor on behalf of the person (group of persons) who is highly interested in depriving the victim of life, with the aim of obtaining from the customer or its authorised person (s) for the order of certain benefits of a tangible or intangible nature or for the purpose of preventing the Commission by these persons of certain actions in its favor" [6, p. 788].

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THEORETICAL AND METHODOLOGICAL ASPECTS OF THE RESEARCH OF ILLEGAL MINING OF MINERAL RESOURCES OF NATIONALLY IMPORTANT MINERALS

Most of the world's leading scientists have long been drawn to the conclusion that humanity is doing everything for self-destruction. This is following by the degenerate nature, and the deforestation itself, the extraction of minerals from the bowels of the earth, which destroys the structure of soils, and the drainage of reservoirs. All of these factors in the future is the key to the depletion of the planet's resources.

An important condition for the investigation of crimes against the environment, namely illegal mining of minerals of national importance, is a study of the theoretical and methodological aspect of illegal extraction of minerals of national significance. It is safe to say that the problem under consideration is not sufficient highlighted, reviewed and investigated. The theoretical basis is the general provisions of criminal law as well as research scientists and researchers in the illicit production and trafficking of minerals of national importance.

The problem of illegal mining is not new to independent Ukraine and currently very topical. The structure of crime in this type of crime is rather organize, which is why the settlement of the rule of public relations is very necessary and urgent.

Analysis of illegal extraction of minerals of national importance is carries out mainly on the pages of textbooks, Educational and practical

manuals or scientific and practical comments to the Criminal Code of Ukraine.

As for the methodological aspect, I wish to say first of all, that methodology in general and directly, a system of techniques, methods and tools, scientific thinking, which are a set of ways and forms of movement of thought from ignorance to knowledge. The very methodology of law and its individual elements, always in close connection with the dominant society principles of legal doctrine, which actually is a fundamental feature.

The science of criminal law, as well as other sciences, in turn, applies certain methods of research to achieve the social content of criminal law, their purpose and effective use, understanding the problem of the very fight against crime and comprehensive study. These methods include as historical and legal, the method of comparative law, legal, dialectical, sociological, and others.

In addition, I consider it expedient and justifiable to use the dialectical method by which the phenomena studied should be studies in unity of their actual essence and legal form.

Research legal and historical sources, may indicate only that that institute criminal protection illicit production and trafficking of minerals of national importance arose relatively recently. Therefore, an increase in the number of cases of illegal extraction and circulation of minerals of national importance necessitated the criminal legal regulation of the situation that arose in this area.

Studying conditions of criminal liability for illegal mining of national importance has an important role because the national criminal justice history traced the ambiguous attitude of the legislator to act. Social conditionality criminal prosecution for any illegal acts defined by the presence of conditions criminalization of social relations in a particular area.

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PROSPECTS OF SYSTEMATIC METHOD IN MODERN CRIMINAL INVESTIGATION IMPLEMENTATION

Analysis of current thesis on criminal and legal issues allows us to reveal a growing concern over particular criminal and legal regulations, certain chapters of the Criminal Code of Ukraine, as well as the Criminal Law in general, with the predominant use of the dogmatic method of knowledge. Undoubtedly, this is not something negative for the development of domestic criminal and legal science. According to A. Savchenko some categories of criminal law have been made, and appropriate criminal and legal principles have been described, summarized, classified and interpreted by means of this legal method. Moreover, the use of this method implies certain tactical logical consequences: situational specific issues settling, consideration of certain cases of criminal and legal method etc. We suppose the domestic criminal and legal doctrine lacks the strategic directions in scientific research.

Possible opponents assume that such matters may be the subject of doctoral thesis on law. There is no doubt that such studies are being performed, but they are not so numerous to say about a significant impact on modern trends in forming a new criminal and legal state policy. Therefore, it seems appropriate to review not only theoretical matters of the PhD thesis on law, but also to determine its relationship to certain strategic issues. Undoubtedly, such statement of a scientific problem requires a significant amount of any research. How to find a way out of this situation?

We believe that scientific definitions of philosophy should be applied. It means the systematic method of certain processes and phenomena knowledge to be used that after O. Manokha is the most effective research method, so its use in philosophy of law is particularly relevant.

Application of this method requires a consideration of certain issues of criminal and legal science (e.g. regulations, institution) as a microsystem, and relevant issues (e.g. a chapter of the Criminal Code of Ukraine on the whole) as a macrosystem. Undoubtedly, certain system comparison and determination of the amount of their value depends on the components themselves. For example, the relevant paragraphs of the article will be a microsystem towards the article itself, which will be a macrosystem, by-turn. Nevertheless, the equivalent elements (e.g. General and Special Parts of the Criminal Code of Ukraine) interact with each other as macrosystems, but in turn they can be applied in another entity (e.g. the Criminal Code of Ukraine on the whole), i.e. a microsystem.

Besides, the ratio of criminal and administrative law requires a special study. Implementation of the Criminal Justice Reform in Ukraine (approved by the Decree of the President of Ukraine from April 8, 2008) and appropriate Agenda for implementation of this concept (approved by the Cabinet of Ministers of Ukraine dated August 27, 2008) seem to be promising in this context. According to Paragraph 2.2. of the Agenda, in particular, a draft Code of Ukraine on Criminal Offenses and the relevant law on amendments to the Criminal Code of Ukraine have been suggested to develop. Unfortunately, the criminal law has not undergone these changes yet. Therefore, the balance between particular systems of current and perspective legislation is offered to establish in every modern criminal law study: the Criminal Code of Ukraine, the Code of Ukraine on Administrative Offenses, and the model of draft law on the criminal offense institution.

It means that any researcher should not bypass a ratio of these systems; it would be a logical search aims to study their relationship and possible trends towards transformation. This approach is not the latest tool in criminal and legal theory. This is a continuation enhance of the modern requirements for methodological basis of any scientific study.

This perspective, of course, corresponds to both Ukrainian European integration in the development of new educational technologies and Criminal Justice Reform Concept.

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METHODS IN LEGAL TRANSLATION

Legal translation is a challenging process. Legal translation, as institutional, culture dependent translation, requires of a translator to be fully linguistically proficient in the source and target languages, as well as to be perfectly familiar with the cultures and legal systems of the source and target countries. One of the challenges of legal translation lies in the fact that legal terminology is very system and country specific. Many times the legal terminology in the source language cannot be translated directly, or literally.

When it comes to concrete translation of a text, we should be aware of the legal background, either in common law or in criminal law. However, any text is also rooted in a specific field of law, such as criminal or civil or international or contract law, etc. A special legal terminology is relevant in these fields, dependent on the social function of such texts, both as originals and as translations. There are some typical cases of practical translation: 1. Personal administrative documents are being used to create or establish a right in another country: Birth certificate and/or divorce decree or affidavit for marriage, education certificate or diploma for studies abroad, work testimonial for a new employer, medical certificate about an illness during holidays abroad, police report of theft abroad for the domestic insurance, medical certificate of foreigners for their home pension scheme, and other similar things. The difference of conceptual meanings and the equivalence of terms have to be checked. Sometimes, the acceptance of such documents depends on inter-state agreements. 2. In penal proceedings, there is often the need to translate court sentences or investigation documents for the request of international judicial assistance. Summons, office texts and statements of charge may be translated for foreigners. The difference between criminal and civil proceedings is important here, e.g., we have to distinguish between (public prosecutor / accused / counsel for the defense) and (petitioner, claimant / defendant / counsel for the plaintiff). 3. Foreign court decisions with included articles of code (criminal and civil proceedings) have to be translated. Among others, the linguistic style is a problem here, but it is more or less relevant in all cases. 4. Trade contracts are signed in order to

sell goods or transmit licenses. They will be written in one valid language copy with a translation for convenience. 5. New law texts from the European Council, directives, etc. have to be translated into a local language in order to display their effect in the national legal system. The EU law uses a common social terminology, and its conformance or difference to national terminology is important. Some countries have long since had several languages in which their law is expressed, e.g., Switzerland, Canada, or South Tyrol. Here, translations are parallel texts, and certificates often are issued in two languages. Identity of conceptual meaning is vital. 6. After political changes, it can be necessary to translate a whole national body of legal texts from the former main language into other local languages, which occurs as an example with the cases of Hong Kong (Chinese), South Africa (Kwa Zulu, Xhosa), or in the former Yugoslavia (and others). Sometimes, words for legal concepts have to be created anew. 7. International treaties are formulated in a general way, open to interpretation following the political agreements, and then we have their formulation in a language coherent in both bilateral and multilateral conventions. The divergence of conceptual meanings from national legislation is important. It has to be checked which kind of translation is relevant in each individual translation commission. The most frequent case, of course, is translation of a national document so that it may deploy its legal effect in another country. In such a case, translation is between two different legal systems. Thus the translator's main task is to produce a text that will lead to the same legal effects in practice." This means that even if the translation is not the legal document as such, it should be precise enough to be accepted with its intended legal effect, which is based in the legal system of the issuing state. The translation does not replace the original text with its legal status, especially in document translation. But translations as secondary texts should be transparent enough to produce the same legal effects in practice. The German translation of an Italian article of statute law, for instance, will give precise information, but it is no German law. Likewise, the English translation of a German school certificate should be clear enough to enable one to study abroad, but it will never be a British certificate. This is different in the case of EU law, where the legal equivalence of texts is top priority.

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FOREIGN LANGUAGE KNOWLEDGE AS A PART OF PROFESSIONAL COMPETENCE IN LEGAL AREA

Our time is marked by globalization of economy, integration of political, cultural and legal life leading to strengthening of relationship between countries in different areas. In order to be a highly skilled specialist, besides deep professional knowledge, it is necessary to have a command of foreign languages.

A modern specialist has to read the literature he is interested in not only in Ukrainian but also in foreign languages to be aware of the last achievements. It is important to have both reading and translating skills, and communicative abilities to take part in international conferences and symposiums.

Linguistic culture is an integral and essential part of human culture on the whole.

Educational and self-educational functions of foreign languages have considerably grown as well as their professional importance at school, college or university, at the labor market giving rise to motivation for learning of languages as a means of international communication.

Without knowledge of a foreign language (especially, English) it is practically impossible at the present day to apply for higher official status, and moreover find a prestige, well-paid job. That's why students' monumental desire to learn speech activity in foreign languages is comprehensible. Practical foreign language classes in a higher educational establishment can certainly help them.

A foreign language is objectively a public value; therefore its inclusion into the higher education program is a social order of society. A foreign language, as well as native, does not exist independently in a society and cannot live its own life. It is closely related to all spheres of vital functions of society: economics, law, politics, art, education, military sphere etc., reflecting mentality and culture of certain country.

In addition to interpersonal attitudes a foreign language serves as a means of international, intergovernmental and interethnic intercourse.

It should be noted, undoubtedly, the beneficial impacts of learning foreign languages on communication standards, speech activity in native language. Thus, forming of speech abilities in a foreign language aids

development of all levels of students' speech ability: auditory, visual and motor sensations. Students study to plan their speech behavior, correlating the aims of every act with the expressed content and available language means.

It, certainly, facilitates to increase not only speech but general culture as well.

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BENEFITS OF TECHNOLOGY USE IN ENGLISH FOR SPECIFIC PURPOSES

English for Specific Purposes (**ESP**) has a long history and has become increasingly popular since the 1960s [1, c. 9]. In the beginning, teachers often thought that in ESP courses, teaching specific vocabulary was their task. However, in many situations adult professionals know the technical terms related to their field much better than the teacher, who often does not know the field-specific terminology [8]. What learners need is to learn how to use those words in sentences, how to understand authentic texts with certain field-specific expressions, or how to communicate effectively in typical situations that arise in their jobs. This is why the analysis of needs, discourse genre, and linguistic corpora has become so important [5; 7] in ESP.

Just as in general English language teaching and learning, technology in its various forms has long been used in ESP, whether in the form of a tape recorder or sophisticated digital technology. ESP teachers have always used available tools to devise materials and create situations relevant to their students' needs [2]. However, technology's role in language learning in general, and in ESP in particular, has changed over time and significantly so in recent years. Not only has the view of learning changed with time, from the behaviourist to communicative to an integrative view, but technology has also evolved and become more ubiquitous in everyday life, and particularly in the professional world. Both of these have affected how technology is employed in ESP lessons.

There are many different technologies that are successfully used in ESP courses from the traditional tape recorder or CD player, to interactive whiteboards, ICT, Web 2.0 tools, mobile technologies and 3D virtual environments, etc. As ESP puts emphasis on the needs of learners, and

authentic materials and tasks, IT has become a very suitable tool for ESP, allowing ESP learners to collaborate and engage in authentic communication in their professional discourse community, to access up-to-date information relevant to their profession, and to publish their ideas, which can all give them a sense of empowerment as learners.

Some benefits of technology in language learning are the same for ESP learners as for general English learners. For example, finding native speakers as learning or communication partners or reading or watching the news in the target language for those who do not have easy access to these locally. In lessons, teachers can bring the outside world into the classroom, provide authentic contexts in which English is used, expose students to different varieties and accents of English, and give students listening practice. But, whereas in general English lessons even the teachers themselves can be a valuable resource for listening, speaking and authentic language use, in many cases technology, whether, for example, in the form of videos or on the internet, is the only means for ESP students to access the specific language they need in order to communicate appropriately. Butler-Pascoe [4, c. 1] states that it is the 'hybrid nature of ESP', having to teach both the language and the 'field-specific content' that makes it challenging for teachers, who often do not have the field-specific knowledge to teach. Although it is not usually the case that teachers also have to teach the content, especially when teaching adult professionals, they do need to teach the field-specific language, which they might not always know, and which changes and develops over time.

When teaching professionals, the needs also go beyond the language itself; they also require the use of authentic tasks, tools, and context [3; 6]. According to Butler-Pascoe [4, c. 2], 'at least three primary models exist for delivering ESP instruction:

1. ESP taught by English teachers using field-specific content.
2. Field-specific courses taught by teachers in the disciplines using English as the language of instruction.
3. A collaborative model in which both English and field-specific teachers have joint input into the development and/or teaching of the course'

and 'innovative uses of today's technology' can play an important role in all three. Interestingly, Butler-Pascoe [4] mentions that, besides being used for teaching and learning ESP, the same technologies can also be used to help ESP teachers communicate with each other and their students.

Butler-Pascoe [4, c. 2–3] lists 14 advantages of technology for ESP:

1. Provides interaction and communicative activities representative of specific professional or academic environments.

2. Fosters understanding of the socio-cultural aspects of the language as practised in various fields and professions.

3. Provides comprehensible field-specific input and facilitates student production.

4. Provides sheltering strategies for language development and content-specific understanding (modelling, bridging to students' background experiences, contextualising, metacognitive activities, etc.).

5. Uses task-based and inquiry-based strategies reflective of tasks in discipline-specific settings and situations.

6. Uses authentic materials from specific disciplines and occupations.

7. Supplies authentic audiences, including outside experts in specific fields.

8. Supports cognitive abilities and critical thinking skills required in the disciplines.

9. Uses collaborative learning.

10. Facilitates focused practice for the development of reading, writing, listening, and speaking skills across the curriculum and disciplines.

11. Is student-centred and addresses specific needs of students.

12. Uses multiple modalities to support different learning styles.

13. Meets affective needs of students: motivation, self-esteem, and autonomy.

14. Provides appropriate feedback and assessment of content knowledge and English skills.

Whether they like technology or not, ESP teachers today cannot afford not to integrate technology into their courses, because technology plays an essential role in their learners' everyday professional lives, in which they need digital and electronic literacy skills to communicate internationally across cultural borders using different media, and to become autonomous learners who can keep up with the fast-paced professional world.

In ESP the reason for using technology is not only or always because it makes learning the language more effective or efficient, but also because it can offer tools that simulate real life work situations, while giving students the opportunity to acquire and practise essential 21st century professional skills.

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THE PROBLEM OF CHILD TRAFFICKING IN THE UNITED KINGDOM

Child trafficking is a very serious issue which can have a devastating and lasting impact on its victims. Children can be trafficked into, within and out of the UK. The Government of the UK is absolutely committed to tackling this issue and set out the steps it would take together with the action needed and responsibilities of a whole range of partners who also have roles to play.

The trafficking of children is a clandestine activity, which makes it difficult to identify victims and record their numbers. The evidence from successive reports from the Child Exploitation and Online Protection Centre (CEOP) indicate that there are approximately 300 child trafficking victims

identified in the UK per annum. Children are trafficked for many reasons, including sexual exploitation, domestic servitude, labour, benefit fraud and involvement in criminal activity such as pick-pocketing, theft and working in cannabis farms. There are a number of cases of minors being exploited in the sex industry. Children may be trafficked from other countries for a variety of reasons. There are a number of factors in the country of origin which might make children vulnerable to being trafficked. The factors listed below are by no means a comprehensive list: poverty; lack of education; discrimination; cultural attitudes; grooming; dysfunctional families; political conflict and economic transition and inadequate local laws and regulations.

Traffickers use a variety of methods to recruit their victims. Some children are coerced, but most are trapped in subversive ways. For example, children may be promised education or 'respectable' work in restaurants or as domestic servants, or parents may be persuaded that their children will have a better life elsewhere. Many children travel on false documents. Even those whose documents are genuine may not have access to them. One way that traffickers exert control over trafficked children is by keeping their passports and threatening children that they will be deported if they escape. Even before they travel, children may be subjected to various forms of abuse and exploitation to ensure that the trafficker's control over them continues after the child is transferred to someone else. Methods used to control a child include: confiscating the child's identity documents; threatening to report the child to the authorities; violence, or threats of violence, towards the child; threats of violence towards members of the child's family; keeping the child socially isolated; keeping the child locked up; telling children that they owe large sums of money and that they must work to pay this off; depriving the child of money; and frightening children with threats based on cultural or belief systems, for example, witchcraft or spirit possession.

Unaccompanied children may come to the UK seeking asylum, or they may be here to attend school or join their family. A child may be the subject of a private fostering arrangement. Some groups of children are instructed by their traffickers to avoid contact with authorities. In other cases the traffickers insist that the child applies for asylum as this gives the child a legitimate right of temporary leave to remain in the UK.

Whilst the majority of child trafficking cases known about involve cross border movement, it is also known that child trafficking occurs within the UK. A number of serious cases involving organised child sexual exploitation and trafficking have raised this issue and, whilst this guidance

focuses mainly on trafficking from abroad, agencies should be aware of the risks in relation to this type of trafficking.

Trafficked children may not only be deprived of their rights to health care and freedom from exploitation and abuse, but may also be denied access to education.6 The creation of a false identity and implied criminality of the children, together with the loss of family and community, may seriously undermine their sense of self-worth. At the time they are found, trafficked children may not show any obvious signs of distress or imminent harm, but they may be vulnerable to particular types of abuse and may continue to experience the effects of their abuse in the future. Physical abuse can include beatings; being subdued with drugs, on which they then become dependent; alcohol addiction and stress/post traumatic stress-related physical disorders such as skin diseases, migraine and backache.

Children who have been trafficked may be sexually abused as part of being controlled or because they are vulnerable. In many cases, sexual exploitation is the purpose of the trafficking. Children being sexually exploited are at risk of sexually transmitted infections, including HIV/AIDS; and for girls there is the risk of pregnancy and possible damage to their sexual and reproductive health. The Government has committed to working with partners to develop a national action plan to safeguard children and young people from sexual exploitation.

There are a number of indicators which suggest that a child may have been trafficked into the UK, and may still be controlled by the traffickers or receiving adults. These are as follows: At port of entry *The child:* has entered the country illegally; has no passport or other means of identification; has false documentation; possesses money and goods not accounted for; is malnourished; is unable to confirm the name and address of the person meeting them on arrival; has had their journey or visa arranged by someone other than themselves or their family; is accompanied by an adult who insists on remaining with the child at all times; is withdrawn and refuses to talk or appears afraid to talk to a person in authority; has a prepared story very similar to those that other children have given; exhibits self-assurance, maturity and self-confidence not expected to be seen in a child of such an age; does not appear to have money but does have a mobile phone; and/or is unable, or reluctant to give details of accommodation or other personal details. *The sponsor:* has previously made multiple visa applications for other children and/or has acted as the guarantor for other children's visa applications; and/or is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas.

It is also important to note that trafficked children might not show obvious signs of distress or abuse and this makes it difficult to identify children who may have been trafficked. Some children are unaware that they have been trafficked, while others may actively participate in concealing that they have been trafficked.

Assessing the willingness and capacity of a child victim to testify in court against a trafficker is complicated. This also applies to the process of gathering information that might support care proceedings. The child usually fears reprisal from the traffickers and/or the adults with whom he or she was living in the UK if they co-operate with children's social care or the police. For children trafficked from abroad an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported because they have entered the UK illegally. Trafficked children may also have been forced to commit criminal offences while they are in a coerced situation. Children, who might agree to testify in a criminal case, fear that they will be discredited in court because they were coerced into lying on their visa applications or immigration papers. No child should be coerced into testifying in court against a trafficker.

Child trafficking Facts and Statistics:

✓1 in 5 victims of trafficking are children

✓Over 700 children were identified as potential victims of trafficking last year

✓The most common countries for children to be trafficked from are UK, Vietnam, Slovakia, Romania and Nigeria

✓The most common reasons for children to be trafficked are sexual exploitation and criminal exploitation.

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USING GROUP LEARNING IN EDUCATION

Effective learning takes place when the essential characteristics of their learning mode are operationalised as principles guiding the process. When educators select appropriate learning-training methods that will best convey the content areas of the training programme to suit the basic criteria of effective learning, learner involvement and sustained interest. In particular, education reflects a specific philosophy about learning and teaching based on the assumption that learners can and want to learn, that they are able and willing to take responsibility for that learning, and that the learning itself should respond to their needs.

According to research, effective education process should encourage students to choose their own programme and projects that are important because they offer them the flexibility and freedom to explore their emerging interests. Learning has experiential learning activities that foster the development of skills and knowledge. This helps in building the confidence and abilities among the learners of today and helps in development of personal relationships not only among them.

Synthesizing information that appears in sources of S. Brookfield, J. Draper, W. Draves, B. Grissom, M. Knowles, S. Imel has summarized the effective education principles that constitute good practice in such education [].

1) Involve learners in planning and implementing learning activities. Including learners in the planning and implementing of their learning activities is considered to be a hallmark of adult education. Their participation can begin with the needs assessment process where members of the target population help establish the program goals and objectives and continue throughout the learning activity to the evaluation phase.

2) Draw upon learners' experiences as a resource. Not only do learners have experiences that can be used as a foundation for learning new things but also, in adulthood, readiness to learn frequently stems from life tasks and problems. The particular life situations and perspectives that learners bring to the classroom can provide a rich reservoir for learning.

3) Cultivate self-direction in learners. If learners have been accustomed to teacher-directed learning environments, they may not display self-directedness in learning settings. Learning process should be structured to nurture the development of self-directed, empowered learners. When they are encouraged to become self-directed, they begin to see themselves as proactive, initiating individuals engaged in a continuous re-creation of their personal relationships, work worlds, and social circumstances.

4) Create a climate that encourages and supports learning. The classroom environment should be characterized by trust and mutual respect among teachers and learners. It should enhance learner self-esteem.

5) Foster a spirit of collaboration in the learning setting. Collaboration in the classroom is frequently founded on the idea that the roles of teachers and learners can be interchangeable. Although teachers have the overall responsibility for leading a learning activity, in learning settings each person has something to teach and to learn from the other. Learning is a cooperative enterprise that respects and draws upon the knowledge that each person brings to the learning setting.

6) Use small groups. The use of groups has deep historical roots in education, and learning in groups has become embedded in education practice.

So, the principles determined by researches can reflect some of the widely held beliefs about learning process.

A growing number of the recent resources dealing with education have focused on adult learning in groups that are more student-centered and participatory in nature (S. Imel, A. Brooks, G. Foley, B. Millis, E. Kasl). As B. Knights says, a group can be an environment in which people invent and explore symbolic structures for understanding the world, learning from each other and trying out for themselves the discourse of the domain of knowledge they seek to acquire [2].

According to research, when forming groups, educators tend to focus on helping learners work effectively together rather than on helping them understand the learning processes that may be occurring in the group. P. Cranton has developed a helpful way of thinking about how groups can accomplish or facilitate different types of learning. He suggests that there are three types of group learning, each affiliated with the following kinds of knowledge: instrumental (scientific, cause-and-effect information), communicative (mutual understanding and social knowledge), emancipatory (increased self-awareness and transformation of experience) [3].

As considered by P. Cranton, the type of learning that occurs in groups varies according to the learning tasks and goals. Group learning that

has as its goal the acquisition of instrumental knowledge is considered cooperative one. The term “collaborative” refers to group learning that is based on communicative knowledge. Collaborative learning groups emphasize process and participants exchange ideas, feelings, and information in arriving at knowledge that is acceptable to each group member. Transformative applies to learning groups that seek emancipatory knowledge. In transformative learning groups, members engage in critical reflection as a means of examining their expectations, assumptions, and perspectives [3].

When forming learning groups, one of the main considerations is a group size and membership. Size is an important characteristic of groups. The consensus among group theorists is that smaller groups, those of six or less, tend to be more cohesive and productive than larger groups. Even in a class of 8-12 learners, therefore, forming two small subgroups might produce better results for some learning tasks.

As S. Imel states, when structuring learning groups, the nature of group learning, the facilitator's role, and considerations about forming groups all intersect. Implementing group learning includes the following questions to consider [4].

What purpose is the group learning experience designed to achieve? For example, is the goal related to developing relationships among the participants, is it focused on acquiring a certain type of knowledge, or both? The answer to this question will affect all other decisions about the learning group. The type of learning in which groups engage affects the role of the facilitator, the relationships that learners are likely to form with one another and with the facilitator, and the type of knowledge that is produced.

What is an appropriate role for the facilitator? Once the goals and purposes of the learning group are determined, the facilitator's role will be more evident. Certain types of group learning may carry certain expectations about how facilitators are to function, but facilitators may choose to adapt their roles because of their personal characteristics or the particular context in which the group is operating. For example, in some transformative learning situations, facilitators may need to step out of their role of co-learner in order to deal with power issues that arise among learners. Also, facilitators need to remember that their roles have limits and that too many factors lie outside their influence for them to control all outcomes.

How should groups be formed? Again, the goals and purposes of the learning group will shape decisions about forming groups. Size considerations are important since research demonstrates that small groups

are more effective. However, the size of the entire group or the learning task may affect decisions about the number of small groups and their size. A more difficult question related to forming groups revolves around how group membership should be constituted. Again, the learning tasks and the learners will have a bearing on how this decision is made. Among the questions to be considered are the following: Is the learning group formed only for the purpose of accomplishing a very short and specific task or will it be ongoing? Are the learners well acquainted already? Do learners possess observable or easily obtainable characteristics that could be used to form heterogeneous groups? How important is it that members perceive the group process to be democratic?

So, it may be concluded, that using group learning in teaching can promote teamwork and encourage cooperation and collaboration among learners. When structuring learning groups, the nature of group learning, the facilitator's role, and considerations about forming groups all intersect. When implementing group learning, educators emphasize the importance of learning from peers, and they allow all participants to be involved in discussions and to assume a variety of roles. Educators must listen to what learners say about their previous educational experiences and their current learning goals and use this information in program development.

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SPECIFIC ASPECTS OF CRIMINAL RESPONSIBILITY FOR EXTORTION

Offenses against property are relevant throughout the time of society's existence, so they should pay enough attention, especially as regards qualifications and their separation from adjacent syllables.

One of such crimes is extortion, which is determinated in Art. 189 section 6 of the Criminal Code of Ukraine (hereinafter CC). In the disposition of the article extortion is defined as an unlawful requirement for the transfer of someone else's property or the right to property or to commit any acts of property with the threat of violence against the victim or his close relatives, restriction of the rights, freedoms or legitimate interests of these persons, damage or destruction of their property or property , under their jurisdiction or under guard, or disclosure of information that the victim or his close relatives wish to keep secret [1]. Article 189 of the Criminal Code of Ukraine also specifies the qualifying attributes provided for by the relevant parts (parts 2-4).

Specail attention in this article should be given to such categories of victims as close relatives. In the Criminal Procedure Code of Ukraine (hereinafter referred to as the CCP), paragraph 1 of clause 1 of the Art. 3 that close relatives and family members are a husband, wife, father, mother, stepfather, stepmother, son, daughter, stepchild, stepchild, brother, sister, grandfather, grandmother, great-grandfather, great-grandfather, grandson, granddaughter, Great-grandchild, adoptive parent or adopter, guardian or trustee, person under guardianship or care, as well as persons living together, are associated with a common life and have reciprocal rights and obligations, including those who are jointly live, but not married [2].

That is, it can be argued that in the case of committing socially dangerous acts provided by Art. 189 of the Criminal Code of Ukraine, an intruder will be subject to criminal liability if the addressee of them will be the persons indicated only in clause 1 part 1 of Art. 3 of the Procedural Code of Ukraine. How then, if a person, in committing this crime, directs his threats or implements them against persons who, according to the current CPC of Ukraine, do not belong to close relatives of the victim but are close to him?

According to Part 1 of Article 1 of the Law of Ukraine "On Prevention of Corruption" of October 14, 2014, such persons are: a great-grandfather, great-grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, father-in-law, in-law, adopter or adopter, guardian or caretaker , a person in custody or care, cousins, native ancestors, or uncles, nieces, nephews, etc. [3].

From this it follows that the existing gap in the legislation should be corrected by harmonizing the position of civil, anti-corruption, criminal and criminal - procedural legislation, namely: a) to expand the concept in Clause 1, Clause 1 of Art. 3 CCP Ukraine close relatives and family members, or b) make appropriate changes to Art. 189 of the Criminal Code of Ukraine, which will be more effective.

Another actual aspect regarding the qualification of the crime, provided for in Art. 189 of the Criminal Code of Ukraine - the absence of such a method of committing this crime as the use of physical violence, which is not dangerous to the victim's life or health. Thus, Part 1 of Art. In particular, the way in which extortion is committed determines, in particular, the threat of such violence. The realization of violent threats is already reflected in part 3 of the above-mentioned norm, but in the form of violence that is dangerous to the victim's life or health. It involves violence, ranging from light bodily injury to a short-term health disorder.

Therefore, when extortion, as a method of compulsion to realize its criminal intention, the attacker causes the victim to strike, beating or mild bodily harm without short-term health disorders, we see that due to a gaps in the legislation, it will be problematic to qualify its actions only under Art. 189 of the Criminal Code of Ukraine, because there is a need for qualification in combination with crimes against life and health (art. 125 or part 1, or art. 126 of the Criminal Code). This problem, in my opinion, also requires an urgent legislative settlement.

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FEATURES OF BRINGING IN ARE TO CRIMINAL RESPONSIBILITY OF LEGAL ENTITIES

Modern development of Ukraine and her aspiring status to integration in single Europe space requires fundamental and complex changes in many spheres of vital functions of the state. Undoubtedly, one of such spheres there is criminal law politics. One of most issues of the day, that come into question in a period realization of criminal law reforms in the modern states of the world, in particular in the states that form on post-soviet space, criminal responsibility of legal entities is.

As practice testifies, plenty of crimes comes true for or with the use of legal entities. From it there is a requirement in the input of direct punitive approvals exactly to the legal entity as subject of crime.

It is traditionally considered that legal entities are not subject to criminal responsibility as a result of complication or even impossibility of determination of guilt of such person in the feasance of criminal offence, absence of the scientifically reasonable system of criminal punishments of legal entities, and others like that. Marked also, that criminal responsibility of legal entities does not answer constitutional principle of individualization of legal responsibility and punishment.

The supporters of opposite point of view consider that objectification will finds only in purposeful actions (to inactivity), id est. an act of person (both physical and legal) is an only form in that will can find the objective expression. Marked, that principle of individualization of punishment puts a problem only of technical character, id est. problem of distribution of load of criminal responsibility, as such responsibility of legal entities does not eliminate bringing in to her and physical persons.

Thus, confession of legal entities in the most vulnerable spheres of public relations will create terms the subjects of criminal offences for an ambulance and inevitable responsibility for ecological, some economic, computer and other criminal acts, while practice demonstrates, as in accordance with a current legislation greater part of such acts belongs to the administrative crimes and de facto remains without punishment.

It should be noted that on September, 1 in 2014 Law of Ukraine inured from March, 23 in 2013 «About making alteration to some legislative acts of Ukraine on fulfilling the plan of actions in relation to liberalization of visa regime European Union for Ukraine in relation to responsibility of legal entities» criminal responsibility was entered for legal entities. General part of Criminal Code of Ukraine is complemented this Law by the division of XIV are 1 «Events of criminal law character in relation to legal entities».

A legislator is use a concept «events of criminal law character», but not «types of punishments». Presumably, it is related to that punishment is used exactly to the physical persons his aim there is not only punishment but also correction and prevention of feasance of new crimes. Clear that such formulation can not be used to the legal entities.

By law of Ukraine «About making alteration to some legislative acts of Ukraine in relation to fulfiling the plan of actions in relation to liberalization of visa regime European Union for Ukraine in relation to responsibility of legal entities» the certain list of crimes, feasance of that by a leader, founder, participant or other authorized face of legal entity from her name and in her interests is founding for application to the legal entity of events of criminal law character, is certain: at. 209 Criminal Code of Ukraine, at. 368-369-2 Criminal Code of Ukraine.

Grounds for application to the legal entity of events of criminal law character are feasances of her by the authorized person or by proxy or by an order, after a plot and at participation, or crimes listed another way above. Responsibility can come for such crimes, if they are accomplished from the name and in interests of legal entity or simply on behalf of legal entity. To the authorized persons of legal entity a legislator takes the official persons of legal entity, and also other persons, that under the law, constituent documents of legal entity or agreement have a right to operate on behalf of legal entity.

Crimes confess perfect in interests of legal entity, if they are sent to the receipt by her illegal benefit or conditioning for the receipt of such benefit, and similarly on avoiding statutory responsibility.

At application to the legal entity of events of criminal law character of cramps taken into account degree of weight perfect her by the authorized face of crime.

In addition, it should be noted that to the legal entity it is impossible to apply the certain types of punishments, such as, for example, limitation or imprisonment. To Tom, appears clear that a legislator defined the next types of events criminal law character: fine, confiscation of property and

liquidation. To the legal entities a fine and liquidation can be used only as basic events of criminal law character, and confiscation of property - only as additional. Such list is incomplete, it was expedient to complement the system of events of criminal law character such kinds as stopping of activity of legal entity or her structural subdividing into a certain term, privation of right to carry on certain activity on a certain term and judicial supervision for activity of legal entity on a certain term. A positive moment, in this case, that to the legal entity considerably anymore fines can be used is, comparatively with physical persons. Exactly economic instruments of influence are most effective as punishment to this categories.

It follows to establish, that in the legislation of many developed countries is for today set tendency of introduction of institute of criminal responsibility of legal entities, and sometimes and his expansion, with the aim of receipt of the most powerful lever of influence on those legal entities the office workers of that during implementation of the professional duties carry out crimes with the aim of receipt of some benefit for organization.

The another unsolved is remained by a question about bringing in to criminal responsibility of legal entities of public law. For an example, in Denmark by general rule to criminal responsibility subject not only commercial enterprises but also public legal entities, including government and local self-government bodies. On this occasion at. 26 Criminal Code of Denmark explains, that positions about criminal responsibility of legal entities are used to any legal entity, tiredness number of joint-stock, co-operative company, associations, funds, property complexes, municipalities and organs.

At the same time, on the criminal legislation of Ukraine to criminal responsibility public organs, organs of local self-government, organizations created by them in the set order, are not subject, that fully hold out due to accordingly the state or local budgets, funds of obligatory state social security, Fund of guaranteeing of holding of physical persons, and also international organizations.

Such approach gets clear us, as in this case more expedient to attract the public servants of such organs to responsibility, and it is nowise impossible to lay on punishment in the type of fine on legal entities that hold out due to the state or local budgets, the anymore to liquidate public organs.

Establishment of criminal responsibility of legal entities, it is a difficult and multivectorial process that needs first of all rethinking of existent principles of criminal right and criminal responsibility, namely - subjective relation in guilt and individualizations of criminal punishment,

and also making of new principles that will answer the modern requirements of legislation about criminal responsibility

Thus, the necessity of bringing of adding takes place to Criminal Code of Ukraine in an order to go into detail position in relation to the tasks of criminal legislation, action of law in time and space in relation to legal entities, question about the stages of commission of crime, question of participation and many others.

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THE CURRENT STATE OF LEGISLATIVE REGULATION OF THE AGE OF CRIMINAL RESPONSIBILITY AND THE PROSPECTS FOR ITS DEVELOPMENT

International legal principles and norms establish the special status of a minor, including those who violate the law, and require a more loyal attitude, compared to adults, to the attitude of all the states that have accepted the relevant obligations, including Ukraine.

Today in Ukraine, as in the whole world, the highest value is the provision of human and civil rights and freedoms. Particular attention is paid to minors, who are one of the most vulnerable groups of the population, which necessitates creation of special conditions for the maintenance and realization of their rights [1, p. 95-98].

However, the problem of juvenile delinquency is one of the urgent problems of the Ukrainian society, which requires an urgent solution. Therefore, the purpose of the article is to thoroughly investigate the question of age, the achievement of which a person is subject to criminal liability.

In accordance with the International Convention on the Rights of the Child of November 20, 1989, ratified by the Verkhovna Rada of Ukraine of February 27, 1991 p. No. 789-XII, a child is every person who has reached the age of 18 [2, p. 42]. However, in Ukraine, the grading of the child's age in the following age categories is legally established: a child is considered a child until he reaches fourteen years of age, and a minor is between the ages of fourteen and eighteen.

The peculiarity of minors as a special subject of criminal responsibility is, first and foremost, the chronological age, which predetermines the psychological and physiological development of the individual, the acquisition of certain knowledge, skills and abilities that makes it possible to realize the social danger of their actions and to manage them.

To reveal the features of the subject of an offense, it is important to establish at the legislative and enforcement levels of age criteria that would allow the conclusion that the person is properly perceived and able to manage their actions. The above is not only the correct assessment of the actual features of a particular life situation, but also its social aspect, in particular, the correlation of actions of the person and his people with established moral and legal norms [3, p. 147-148].

As you know, reaching a certain age is a necessary condition for bringing to justice a criminal responsibility. Thus, the legislator, given in the first place the data of medicine, psychology, pedagogy and other sciences, when establishing the age of criminal responsibility comes from the normal, typical for most adolescents, the conditions for their development and formation at certain stages of their life path. It should be noted that the age is called the periods of human development, characterized by qualitative changes in physical and mental processes and characterized by special laws of their course [4].

The introduction of the age limits of criminal responsibility is conditioned by ideas existing in a particular society about the ability of the majority of its members to understand the social character of their actions and their consequences (including socially dangerous ones) since reaching a certain age.

In accordance with the Criminal Code of Ukraine (hereinafter – the Criminal Code), the legislator is differentiated approach to the establishment of the age of criminal responsibility. Yes, Art. 22 of the Criminal Code states that persons who have reached the age of sixteen years prior to committing a criminal offense are subject to criminal liability, and persons who are aged from fourteen to sixteen may be liable to criminal liability for certain types of crimes (the list of which is clearly regulated by criminal law).

We consider it necessary to note that the specified minimum age limits are not absolutely recognized, since during the development and discussion of the draft Criminal Code of Ukraine there were suggestions on both their increase and decrease. But the Criminal Code in 2001 retained the

traditions of the Criminal Code of the USSR in 1960, establishing the general age of criminal responsibility – 16 years.

However, in some cases, as in the previous criminal codes of our country, when it comes to crimes that present an increased public danger or their significant prevalence, criminal liability in accordance with Part 2 of Article 22 is established from 14 years. It should be noted that the list of crimes for which liability is foreseen at the age of 14, the legislator in the Criminal Code in 2001 somewhat refined and extended.

Such crimes include: intentional murder (Art. 115-117), encroachment upon the life of a state or public figure, an employee of a law enforcement agency, a member of a public formation for the protection of public order and the state border, or a serviceman, judge, people's assessor or jury in connection with their activities related to the administration of justice, counsel or representative of a person In connection with activities related to the provision of legal assistance, a representative of a foreign state (Articles 112, 348, 379, 400, 443), intentional grave bodily harm (Art. 121, part 3 of Articles 345, 346, 350, 377, 398), sabotage (Article 113), banditry (Article 257), a terrorist act (Article 258), the seizure of hostages (Articles 147 and 349), rape (Article 152), forcible sexual satisfaction (Article 153), theft (Article 185, part 1 of Articles 262, 308), robbery (Articles 186, 262, 308 187, part 3 of Articles 262, 308), extortion (Articles 189, 262, 308), deliberate destruction or damage to property (part 2 of Articles 194, 347, 352, 378, parts 2 and 3 Article 399), damage to roads and vehicles (Article 277), theft or capture of railway rolling stock, air, sea or river vessels (Article 278), illegal possession the vehicle (parts 2 and 3 of Article 289), hooliganism (Article 296).

Thus, in determining the amount of criminal responsibility under the existing Criminal Code, the legislator provides for two age limits of 16 and 14 years (Article 22), linking them in the first case with responsibility for a wider range of crimes, and in the second – only in accordance with the list provided in part 2 of Art. 22 Criminal Code.

Recently, we observe a tendency for the increase of juvenile delinquency, which raises the question of the need both for reducing and extending the age limits of criminal responsibility. Some legal scholars, in view of the fact that socially dangerous acts are committed by persons under the age of 14, suggest revision of the criminal law of Ukraine regarding the age of criminal responsibility. [5]

Thus, V.G. Pavlov proposes to reduce the age limit of criminal liability to thirteen years Persons who committed a murder, willful causing

serious harm to health, theft, robbery, robbery, hooliganism under aggravating circumstances [6, p. 35].

In turn, V. Burdin proposes to divide the age limit of criminal responsibility into four groups: children under 11 years old; Teens 11-14 years old; Adolescents 14-16 years old and minors 16-18 years old. In his opinion, children under the age of 11 are outside the sphere of criminal law and can not be prosecuted; Minors from the age of 11 to 14 years are prosecuted only for an exhaustive list of crimes, provided the conclusion of the examination confirms the correspondence of the actual level of development of their chronological age, sufficient for guilty responsibility [7, p.10].

In our opinion, the position of the legislator, which Having established the special (lowered) age from which the criminal liability comes from the age of 14 is sufficiently substantiated, since minors aged 11-13 years are not able to fully predict the social character of their actions AME in terms of their mental and physical development. However, in our opinion, this problem requires a thorough study and research, based on the current realities and the crime situation in the country, the final solution of which is only possible at the legislative level.

In view of the above, it should be noted that for the normal functioning of the justice system in criminal cases involving juvenile delinquency, it should cover the age-specific characteristics of the minor; legal guarantees for the protection of the rights and legal interests of minors; completeness of individual social and psychological study of the personality of a minor; selecting the individual measure impact and its implementation.

But in light of the further improvement of the criminal policy of Ukraine with regard to minors, one should not forget about the principle formulated in art. From the Convention on the rights of the child: "in all actions against children, whether they are carried out by public or private institutions dealing with social security issues, courts, administrative or legislative bodies, the primary attention is paid to the best interests of the child" [2, p. 25].

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SPECIALTY OF QUALIFICATION OF A CRIME OF ILLEGAL ENRICHMENT UNDER ARTICLE 368-2 OF THE CRIMINAL CODE OF UKRAINE

As a result of the electronic declaration of incomes of officials of Ukraine, the urgent issue at present is their responsibility for Illegal enrichment. Actuality of consideration of this issue is explained by the increased interest of international organizations, in particular the IMF, which with difficult arguments (granting / not granting regular loans), actually accused Ukraine in the fact that after the announcement of civil servants in the actions of which are signs of a crime of illegal enrichment was not held criminally resposible and the money they declared aren't confiscated. One of the reasons for the lack of effective counteraction to corruption in this aspect is the problematic issues of the application of Art. 368-2 of the Criminal Code of Ukraine.

Significant contribution to the interpretation of the features of the crime file provided for in Art. 368-2 of the Criminal Code of Ukraine were

made by such scholars as I. A. Vartlytska, D. O. Garbazy, O. P. Denega, O.O. Dudorov, V. M. Kirchko, M.V. Kocheriv, V. Kubalsky, D.G. Mikhailenko, M. I. Khavronyuk, I. M. Yasin and others. At the same time, a number of problem issues for the enforcement of this norms remain unresolved. In connection with the ratification by Ukraine of October 18, 2006 of the UN Convention against Corruption in 2003 [1], the criminalization of illegal enrichment was carried out.

A detailed analysis of illegal enrichment (from 2013), showed that "the main importance in Art. 20 Conventions have the words intentional unlawful enrichment which means that it is a matter of responsibility for actions - enrichment of a person which are: a) unlawful at the time of enrichment; B) intentional, which means awareness of the social danger of such enrichment at the time of its commission [2, c. 144]. It is these signs that are grounded in the basis of the objective side of the crime envisaged in Art. 368-2 of the Criminal Code of Ukraine. In addition, the legislator also took into account such a sign, referred to in Art. 20 of the Convention as a significant amount of illegal enrichment. Consequently, only a conventional prescription for lack of rational justification of a person's actions was not reflected in Art. 368¬2 CC, so far as this could lead to a violation of the norms of the Constitution of Ukraine. In this part Ukraine has not violated its international obligations, because compliance with them is a condition for their implementation is to adhere to its constitution and fundamental principles of its legal system, as literally stated in Art. 20 of the Convention " [3, c. 226–227].

January 25, 2015 Art. 368¬-2 of the Criminal Code received a new version, in which it is determined that illegal enrichment - This is the acquisition by a person authorized to perform functions of the state or local self-government in property of property, the value of which significantly exceeds the income of a person derived from legal sources, or the transfer of such property to close relatives. According to the note of Art. 368¬-2 of the Criminal Code a significant amount exceeding the amount of income specified in the declaration of income, property, expenses and financial obligations for the relevant period, filed by a person in accordance with the procedure established by the Law of Ukraine "On Prevention Corruption " [4]. February 12, 2015 to Art. 368¬2 of the Criminal Code were amended, which came into force on March 4, 2015. According to these changes illicit enrichment is considered as "acquisition by a person authorized to perform functions of the state or local self-government, the ownership of assets at a significant amount, the legitimacy of the grounds for which is not proved by evidence, as well as the transfer of such assets to any other person."

According to the note of Art. 368-2 CC the Assets in significant size is funds or other property and also the income from them if their value exceeds one thousand non-taxable minimum incomes of citizens [5].

The systematic changes in determining the nature and extent of illegal enrichment today lead to the emergence of problematic issues in the course of law enforcement activities.

We consider that if a person committed an illegal enrichment at the moment of action of art. 368-1 of the Criminal Code of Ukraine edition of 2011, art. 368-2of the Criminal Code of Ukraine edition of 2011, 2013, 2015 the object of the crime is the wrongful benefit (in the future assets) will be calculated in accordance with the note of Art. 368-1 of the Criminal Code edition of 2011 and the notes to Art. 368-2 of the Criminal Code edition of 2011, 2013, 2015.

Consequently, it is need to establish whether, at the time of receipt acquisition and at the time of transfer the subject of a crime, provided by Art. 368-1 (from 2011) or Art. 368-2 (edition of 2011, 2013,2015) in that quantitative expression, in significant size or in a particularly large size, which was indicated in the note of the specified norms. If the subject of the crime corresponds to the specified size, then it is possible to qualify the actions of the person as the transfer of assets to another person, the legality of the grounds of which the acquisition of which is not confirmed by the evidence received, acquired by her property until 04.03.2015 as illegal enrichment.

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ANALYSIS OF LEGISLTION OF UKRAINE IN THE FIELD OF MEDICINES AND RESEARCH

For a long time, Ukraine did not have clearly defined legal framework for regulation of relations in the sphere of drug circulation. Only in 1996, the Law of Ukraine on Medicinal Products came into effect and set the requirements for legitimacy of clinical trials of drugs and authorization procedures.

In particular, clinical trials are allowed with a written consent of the patient (volunteer) to participate in clinical trials or a written consent of his legal representative to conduct clinical trials involving a minor or an incapacitated patient. The patient or his legal representative shall obtain all information about the nature and possible consequences of the trials, characteristics of the tested pharmaceutical drug, its expected efficiency and risk level.

The leader of clinical trials must stop such trial or its particular stages in the event of a threat to the health or life of the patient as the result of such trials, as well as after the request of the patient or his legal representative was received. In 2004, Ukraine adopted the National Program on harmonization of the legislation of Ukraine with the EU legislation. According to this program, clinical trials in the Ukraine shall be regulated by the legislation harmonized with the EU requirements and must comply with applicable directives of the European Parliament and the EU Council, such as the Directive 2001/20/EC of the European Parliament and of the Council, the Declaration of Helsinki, the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, the UN Convention on the Rights of the Child, the Guidelines issued by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH) and legally adapted in the EU (CPMP/ICH/135/95 (E6), CPMP/ICH/137/95 (E3), CPMP/ ICH/291/95 (E8).

The process of Ukraine's integration into the international system of clinical trials was initiated in 1996, and already in 2003-2006, there was a rapid increase in the number of clinical trials as well as research centers. In the recent years, the field of clinical trials in the Ukraine moved from the phase of active formation to the phase of swift growth.

There have been concerns that the Ukraine is an attractive region for clinical

trials because it belongs to the group of countries with average income level and such

concerns are supported by the opinion of legal counsels, who study the responsibility

of health professionals or crimes against human life and health. According to law

enforcement bodies of Ukraine, medical institutions do not make evaluation of their own expenses during clinical trials. A significant amount of funds is received by researchers, specifically doctors registered as private entrepreneurs, rather than medical institutions.

Out-payments are determined by customer companies sponsoring the research, thus, creating conditions for prejudicing medical institutions. In addition, life and health insurance agreements are usually not concluded with patients. Customer companies conclude only insurance agreements of third-party property liability, while the Ukrainian legislation provides for the conclusion of life and health insurance agreements with patients.

According to acting legislation of Ukraine, a mandatory part of clinical trials is

their compliance with the legislation regulating relationships in this area, monitoring

the observance of human rights, safety conditions, ethical and moral standards, and

confidentiality of participants in such trials. As to liability for violation of these rules,

the legislation of Ukraine contains provisions for criminal liability for the breach of

legal procedures for circulation and clinical trials of medicines, namely improper

performance of duties with regard to children's life safety and healthcare (Article 137

of the Criminal Code of Ukraine (CC)), improper performance of duties by a member

of medical or pharmaceutical institution (Article 140 of the CC), violation of rights of a patient (Article 141 of the CC), illegal experimentation on a human being (Article 142 of the CC) and illegal disclosure of confidential medical information (Article 145 of the CC).

Recently, the Criminal Code has been substantially amended with regard to

provisions concerning liability for offenses related to counterfeiting, pre-clinical study, clinical trials and state registration of medicines. This step is related to the ratification of the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health by the Verkhovna Rada of Ukraine. The provisions of this Convention define the responsibility of the state-party to criminalize a number of acts that threaten public health.

If talking about the liability of medical and pharmaceutical workers, the existing criminal law (Articles 139-142 of the Criminal Code of Ukraine) already establishes criminal responsibility.

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RAILWAY TRANSPORT VEHICLES AS AN OBJECT AND INSTRUMENT OF ARTICLE 276 OF THE CRIMINAL CODE OF UKRAINE “VIOLATION OF RULES FOR SAFE MOVEMENT AND OPERATION OF RAIL, WATER AND AIR TRANSPORT”

Railway transport vehicles are one of the objects or instruments of crime commitment under Article 276 of the Criminal Code of Ukraine "Violation of Rules for Safe Movement and Operation of Rail, Water and Air Transport".

Their characteristics shall be considered by referring to the current legislation.

Thus, according to Article 1 of the Law of Ukraine № 273/96 dated from July 4, 1996 «On Railway Vehicles", railway transport is an industrial-technological complex of organizations and enterprises of railway transport for public use, intended to meet the needs of social production and country’s population in transportation within domestic and international communications, as well as rendering other transportation services to all customers without restrictions by forms of ownership, kinds of activity etc. [1].

The notion "*railway transport vehicle*" is included in the "Technical Operation Rules for Interindustry Railway Transport of Ukraine" - therein it is a technical device, which is driven by a power source (non-self-propelled), intended for movement on rail tracks and used to carry people, luggage and equipment for specific functions [2].

Railway transport vehicles consist of rolling stock (carriages of all kinds, locomotives, motor-rail transport) and containers [1].

The same definition of railway transport vehicles is indicated in par. 6 of the Charter of Railways of Ukraine, which was approved by the Cabinet of Ministers of Ukraine on April 06, 1998, Decree № 457 [3].

According to par. 4 of the "Technical Operation Rules for Interindustry Railway Transport of Ukraine", approved by the Ministry of Communications on October 01, 2009, Decree № 1014, railway rolling stock includes locomotives, carriages and special rolling stock [2].

A locomotive is a pulling self-propelled machine, designed to move any railway rolling stock.

A carriage is non-self-propelled unit of rolling stock that is carrying cargos and passengers. Freight cars are wagons for goods. These include covered wagons, gondola cars, flatcars, barrels, specialized wagons for goods: wagons of bunker type, thermos cars, refrigerator cars, including self-contained refrigerator cars, grain wagons, transporters, container cars and special freight wagons.

A train is a fully formed coupled complex of carriages, having one or several functional locomotives with installed signals, locomotives without wagons and special self-propelled rolling stock, sent from station to station.

Special rolling stock is a set of fixed mobile units on the rail track, intended for construction, repair and service works (snow cleaners, snow and crushed stone removing machines, ballasting machines, rail-laying machines, hoisting cranes, railway inspection cars etc.) [2].

Given the fact that technical regulation of Underground Railway is carried out by the central executive authority in the field of transport, violation of rules for safe movement or operation of Underground Railway shall be regarded as a crime, liability for which is stipulated by Art. 276 of the Criminal Code of Ukraine [4, p. 29].

Railway transport vehicles will be an object in case of violation of rules for safe rail transport movement by an offender, and they will be an instrument in case of violation of rules for safe rail transport operation by a guilty person.

Thus, exact definition of features and types of railway vehicles is of significant importance for determining an object or instrument of crime

commitment under Art. 276 of the Criminal Code of Ukraine, for introducing a correct classification of crime committed and punishment applied.

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THE OBJECT OF THE CRIME, PROVIDED BY ART. 384 OF THE CRIMINAL CODE OF UKRAINE

In the science of criminal law, there are many approaches to understanding the object of the crime. It should be noted that V.K. Gryshchuk divides the scientific concepts of the object of the crime on: historical and modern. To the most common historical concepts of the object of crime in the theory of criminal law, the scientist considers the following: 1) the object of the crime – the legal right (V. D. Spasovych); 2) the object of the crime – protected interest (F. Iyering, F. List, B. S.Nikiforov); 3) the object of the crime – benefits and interests, protected by law (legal benefits) (A. N. Kruhlevskyi, H. V. Kolokolov, Ye. Ya. Nymyrovskyi); 4) the object of the crime – the safety and well-being of citizens (O. F. Kistiakivskyi); 5) the object of the crime is: a) legal norms and specific benefits and interests (M. D. Serhiyevskyi); б) the mediating

object is a violation of the order, the norm, and the direct object is a social relation that is a real manifestation of this instruction (I. Ya. Foynitskyi); в) from the formality there are benefits and interests protected by this norm (L. S. Bilohryts–Kotliarevskyi); г) rules of law in it real life (M. S.Tahantsev); 6) the object of the crime – individuals or groups of persons (P. D. Kalmykov); 7) the object of crime is a criminal law protected by social relations (A. A. Piontkovskyi, Ye. A. Frolov) [1, p. 159-164].

Among the most common modern concepts of the object of the crime in the theory of criminal law, V.K. Gryshchuk highlights the following: 1) the object of the crime – protected by the criminal law social relations (V. Ya. Tatsiy, M. Y. Korzhanskyi, M. I. Bazhanov, A.V. Savchenko, B. O. Kyrys, V. O. Navrotskyi, N. O. Hutorova Yu. L. Shevtsov and others); 2) the object of the crime is the social benefits (values) protected by the criminal law (P. S. Matyshevskyi, Ye. V. Fesenko, S. B. Havrysh); 3) the object of a crime is a person irrespective of mental development, social status, etc. (H. P. Novosyolov); 4) the object of the crime – individuals or many individuals (I. Ya. Kozachenko, Z.A. Neznamova); 5) the object of the crime – protected by the criminal law socially significant values, interests, benefits (A. V. Pashkovska, A. V.Naumov); 6) the object of a crime is social relations, which are established in accordance with the requirements of legal norms, as well as social welfare (H.V.Chebotareva); 7) the object of the crime is imaginary – the social shell is always the first object, and all other objects are in the middle of this shell (V. M. Trubnikov); 8) the object of a crime is the order of social relations protected by the criminal law (O. M. Kostenko, P.P. Andrushko, A. V. Landina); 9) the object of the crime – especially valuable social relations, which are protected by the criminal law [1, p.166]. This approach has become widespread in the theory of criminal law and its supporters:V.N. Hryshchuk [1,p. 166], Ya. M. Braynin [2, p. 70], V.M.Kud riavtsev
[3,p.130], A. A.Muzyka [4, p. 25],L. V.Levytska,T. O.Mudrak, V.Sirenko, P. V.Tsymba [5, p.18], V. V.Kuznietsov and O.F.Shtanko [6, p. 79], V.K. Matviychuk [7, p . 157-58].

In addition to the above-mentioned modern concepts of the object, there are some others. Thus, S. Ya. Lykhova maintains and develops the concept where the object of the crime is the legal relationship [8, p. 79]. Instead, V.P. Yemelianov calls the object of the crime the criminal laws protected by specific spheres of life of people who act as direct objects of crimes as real phenomena of reality [9, p. 214-215].

In legal literature, there is another periodization of the development of the concept of the object of the crime. However, the study of the object of the crime in general, is not the subject of this study, so without going into details of the analysis of each of the above concepts of the object of the crime, based on the periodization, join the researchers, who considers the

object of the crime is precisely from the standpoint of the theory of social relations. The representatives of this theory are, in particular, V. Ya. Tatsiy, V. K. Hryshchuk, V. K. Matviychuk, A. A. Muzyka, M. Y. Korzhanskyi, V. O. Navrotskyi and others.

Using the three-tier classification of objects of crimes, which I adhere to, I proceed to determine the place of the norm, that is investigated (Article 384 of the Criminal Code), in the system of the Special part of the Criminal Code of Ukraine, its significance, the exact qualification of the indicated acts. This is all possible if it turns out to be the most appropriate to establish the generic and direct objects of the syllables of crimes provided for in Art. 384 of the Criminal Code. This classification is based on the ratio of philosophical categories: general, special, and separate and accordingly includes three levels: general, generic, direct object [10, p. 56-57; 11, p. 81-82; 12, p. 60-62; 13, p. 124-125]. Such a three-part classification of crime objects is supported by an overwhelming majority of scholars. In accordance with this classification, from the position of adherents of the concept of the object of the crime – social relations, which are put under the protection of the criminal law: the general object – the whole set of social relations, put under the protection of the criminal law; Generic – a group of social relations, identical or homogeneous in essence; direct – concrete social relations, which are protected by a criminal law norm.

Regarding the generic object of crimes relating to justice in the system, which are located and the investigated relations encroached upon by the acts provided for in Art. 384 of the Criminal Code, there are such statements, they have a relationship: 1) that provide: a) the normal activity of the inquiry, investigation and prosecutor's offices in the field of criminal justice; б) the normal activity of the court for the administration of justice in criminal and civil cases; в) the normal activity of the bodies that carry out the execution of decisions and sentences and penalties imposed on them [14, p. 309]; 2) that the personal and social values connected with the interests of justice are protected by the separate articles of sections 2 and 8 of the Constitution, as well as by the separate articles of the Criminal Code, the Criminal-Procedural Codes of Ukraine [15, p. 591]; 3) that are related to the regulated legislation and other normative acts of the activity in the administration of justice bodies of inquiry, preliminary investigation, prosecutor's office, the court, as well as institutions that execute the verdict, decision, resolution and [16, p. 454]; 4) that ensure the normal operation of the court and prosecutor's office, inquiry, preliminary investigation, as well as bodies that execute court decisions (in the broad sense of the word, including sentences and other legal acts) for the realization of the goals and objectives of justice [17, p. 442]; 5) that ensure the normal functioning of the bodies of inquiry, pre-trial investigation, prosecutor's office, court, as well as institutions that execute verdicts, decisions, resolutions and decrees [18, p. 580]; 6) on the implementation of state power [19, p. 22];

7) providing the interests of justice and the interests of the person [20, p. 20]; 8) from the administration of justice in accordance with the procedure, goals and objectives established in the law [21, p. 90]; 9) providing the normal functioning of the judicial bodies [22, p. 17]; 10) they have the interests of socialist justice, which covers both the interests of direct deportation of justice by the court, as well as the activities of bodies that facilitate the implementation of the tasks of justice [23, p. 5]; 11 on the proper functioning of the court for the realization of the goals and objectives of justice and the bodies that contribute to it [24, p.7]; 12) on the proper functioning of the court for the realization of the goals and objectives of justice and the bodies that contribute to it [25, p. 18]; 13) on the activities of the court in solving problems and achieving the objectives of justice, as well as the proper functioning of the bodies assisting in this court (i.e., bodies of inquiry, preliminary investigation and enforcement bodies, enforcement of judgments in civil cases and criminal proceedings) [26, p. 90–91]; 14) the proper law-based activity of the court, the prosecutor's office and the bodies of pre-trial investigation, as well as the activity of correctional labor institutions [27, p. 324]; 15) from the normal activity of the judicial bodies (while under the administration of justice, the law implies not only the court – but also the bodies that provide for the court the possibility of an objective and comprehensive solution to cases conducive to the administration of justice [28, p. 399]; 16) related to the implementation of the regulated by law by the courts, the provision of this activity by the inquiry, pre-trial investigation, prosecutor's office, advocates and representatives of the person, as well as institutions executing court decisions ; 17) connected with the normal functioning not only of the judiciary but also of other bodies and individuals that promote the activity of the court in the administration of justice and to which the bodies of inquiry, pre-trial investigation, prosecutor's office, bodies of execution of court decisions, sentences, decrees and resolutions, representatives of the lawyers etc. belong ;18) from the normal, built on strict compliance with the law of the judicial bodies.

Thus, proceeding from the above, the title of the section is narrower than the content of section XVIII of the Criminal Code. Therefore, under the generic object of the crimes envisaged by this section, it is necessary to understand the social relations regarding the conditions (relations) that ensure the activity regulated by the legislation and other normative-legal acts: courts for the administration of justice; bodies of inquiry, pre-trial investigation, prosecutor's office; institutions executing judgments; persons providing for a court, inquiry, pre-trial investigation complete, comprehensive and objective resolution of cases, protection of the legal rights and interests of citizens, society, state in the process of legal proceedings, inquiry, pre-trial investigation and enforcement of judgments, protection and representation of a person. Such a definition of the generic object of crimes against justice, including the analysis of the crime, is

determined by the current legislation, which established the limits of the criminal liability for the relations I am investigating.

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FEATURES OF CRIMINAL RESPONSIBILITY OF MINOR

A problem of committing crime minor is actual, that it is straight related to present time. Changes in society, that take place, directly influence on the height of juvenile delinquency.

Minor, in a legislation, persons that attained age of criminal responsibility (id est. 16, and in envisaged by the Criminal code of Ukraine cases 14) confess, but that yet was not 18 ago.

It is statutory that a commission of crime minor is by a circumstance that commutes sentence. It is related to that the minor is the special subject of criminal responsibility, that to the extent of the physical and psychical development can not in a complete measure realize the public danger of the actions.

Next to generals, that regulate the question of criminal responsibility of persons that committed crime, a penal law determines the certain features of criminal responsibility and punishment of minor.

A legislator determines general age of criminal responsibility, if a person attained age 16 to the moment of feasance by her to the crime and magnetic age of criminal responsibility, person in age from 14 16 to. They are subject to criminal responsibility for such types of crimes, as: murder, intentionally heavy bodily harm, raping, hooliganism and other.

The decline of age of criminal responsibility consists in that a person already in 14-years-old age realizes a public danger of many grave crimes.

Although in a law clearly certain age of criminal responsibility and to put in age from 11 14 to can not be the subjects of crime, but ч. 2 century 97 the Criminal code determines that to such persons force events of educator character can be applied on the observance of the terms envisaged by the special part of the Criminal code.

Having regard to that some types of grave crimes accomplish minor to the moment executions to them 14 and the actions they could realize in a complete measure, some scientists from this range of problems, suggest to make alteration in a criminal legislation in relation to age of criminal responsibility of minor.

In obedience to a century 105 KK the minor that committed crime small or middle weight can be exempt a court from punishment, if it will be confessed that as a result of sincere repentance and further irreproachable behaviour he in the moment of sentencing does not need application of punishment. In this case a court is decreed it is considered by an accusatory sentence without awarding punishment and person such that does not have a conviction. At the same time a court appoints such force events of educator character :

-warning;

-limitation of leisure and establishment of the special requirements to behaviour minor;

-transmission minor under a supervision paternal or persons that change them, or under the supervision of pedagogical or labour collective after his consent, and also separate citizens on their request;

-laying-on on minor, that attained fifteen years old age and has property, money or earnings, to the duty of reimbursement of the caused property losses;

-direction minor in the special educational-educator establishment for children and teenagers to his correction, but on a term that does not exceed three years.

To minor it can be applied a few events of educator character. A court can also consider necessary to appoint to minor an educator in the order statutory.

A release from criminal responsibility with application of these events of influence is not criminal punishment.

The minor rids of criminal responsibility if from the day of commission of to them crime and to the set of legal force a sentence such terms passed:

-2-years - for the commission of crime of small weight;

-5 -years - for the commission of crime of middle weight;

-7-years - for the commission of grave crime;

-10-years - for the commission of especially grave crime.

A person rids also of serving of punishment, if from the day of inuring he was not executed an accusatory sentence in the same terms.

If a person that committed crime avoided investigation and court, accomplished a new crime or avoided serving of punishment, motion of these terms is stopped or interrupted and begins from the day of commission of new crime or from the day of appearance of convict for serving punishment.

Only in case of conviction minor to imprisonment to him a release is used from serving of punishment.

The term of examination is set from 1 2th to. A court can lay on an individual on her consent or on her request duty in relation to a supervision after convict and realization with him of educator work.

If the convict did not become on the way of correction, was attracted for systematic offences to administrative responsibility, a court directs him for serving awarded punishment, and in case of commission of new crime during the term of examination a court awards punishment to him after totality of sentences.

To minor that depart punishment as imprisonment, a conditional pre-term release can be applied from serving of punishment. It it can be applied subject to condition, if convict conscientious behaviour and attitude toward labour and studies led to the correction.

It is used depending on character and degree of weight of perfect crime after the actual serving of certain term of imprisonment is not less one third; not less than half; not less than two one third. In case of feasance after conditional pre-term liberation during undisclosed part of punishment of new crime a court awards punishment after totality of sentences undisclosed part of punishment on a previous sentence joins.

Cramps to minor the next types of punishments can be applied:

-fine;

-social works;

-correctional works;

-imprisonment is on a certain term.

A fine is used only to minor, that have an independent acuests, personal funds or property. The size of fine is set in limits to 500 untaxable minimums of acuestss of citizens depending on weight of perfect crime and him the property state.

Social and correctional works.

These types of punishments can be appointed by minor 18 from 16 to. Social works are appointed for a term from 30 to 120 hours with the use of their in free of studies or work time, but no more 2 hours on a day. Correctional works can be assigned at the place of work for a term from 2th months 1 to with deduction in the acuests of the state from 5% to 10% earnings.

An arrest consists in holding minor that in the moment of sentencing attained 16, in the conditions of isolation in the special adjusted establishments on a term a from 15 to 45 twenty-four hours.

Imprisonment is on a certain term.

Punishment as imprisonment to the persons that did not attain there are 18 to the feasance to the crime, not can be assigned for a term 10 more than, but in case of commission of especially grave crime, life of man connected with intentional privation - can not be assigned for a term 15 more than.

Imprisonment can not be appointed minor, if he first committed crime small weight.

To minor additional punishments can be applied as a fine or privation of right to hold certain positions or carry on certain activity.

Thus, criminal responsibility of minor has the specific and consists in a release from criminal responsibility of such category of persons, in the choice of types of punishment to them, in awarded punishment and his servings, in redemption and removal of previous conviction. Taking into account all features of current criminal legislation, it should be noted that it needs a certain improvement in relation to bringing in of minor to criminal responsibility and to take into account age-old and psychological maturity of minor, guarantees of defence.

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PROTECTIVE FUNCTION IN CRIMINAL JUSTICE OF UKRAINE

The problem of functions in Criminal Justice has its start at the beginning of XX century when juridical science drew attention to the social

definition of justice and its social functions accordingly. The very problem of justice functions firstly emerged as the problem of social functions.

For example, the legal professionals of last century admitted that justice possessing public nature executes several social functions, in particular, economic, organizational, manufactural, distributional, etc. Accordingly the problematics was to which of two functions should be given priority and these two social functions were: binding over and organizational which were inherent to theory of morale or indicated that justice executes mainly distributional functions as there are people who live and act by various desires and needs which could regulated only by means of justice delimitation.

We know that social designation of justice is identified by consistent patterns of social development that it is its "extension" which is expressed in legal form. The legal situations are formed based on law of nature, internal reasons of social development, those that fix and safeguard things of value, which are the most important and necessary at this historical moment. In general, functions of justice should have a certain stability and permanence, as they should provide such directions and context of regulatory influence the absence of which society could not replace by other regulators or cannot exist. [1]

At the same time functions of justice should have a complex, systemic character, ability to react on changes of main tasks and purposes set for this political-legal system in a certain historical period, adequate re-distribution of means and tactics of legal influence.

The complex nature of justice presupposes division of functions at general and special. General functions express role of justice as of a social regulator in various spheres of social life. Here we can refer such functions of justice as political, economic, control, educational, cultural, etc.

In modern justice there mainly main and supportive functions. Regulatory and protective functions are referred to as the main ones, while supportive are – renewing, restricting, punitory, etc. [2] Such general provisions give us possibility to study main functions of criminal justice.

Regulatory and protective functions are traditionally distinguished herewith the protective function of criminal justice is not simply one of main but even the main function of criminal justice. It lies down in provision of legal protection to the most important groups of social relations for state functioning against criminal offences.

Violation of such relation builds up necessary legal backgrounds for the realization of this function by means of applying relevant statutes of legislation on criminal responsibility to persons doing relevant socially

dangerous actions [3]. Besides this protective function of criminal justice might be realized at time of prophylactic tasks performance.

Thus, the driving point is the system of criminal-legal norms that set relevant prohibition against people's rules of conduct and that compliance is protected by state. In its turn execution of normative demands structures people's actions providing by this resolution of the task set to criminal justice – protection of the most important social values.

It can be noted that protective function of criminal justice is broader in definition and includes social function, which is a kind of standard social action regulated by criminal legal norms and controlled by social institutions.

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CORRUPTION CRIME: CHARACTERIZATION AND ANALYSIS

Ukraine is currently considered one of the most corrupt countries in Europe. The democratic way of development of our country is not possible without reform performance, namely in terms of responding to corruption offenses. The effective performance of employees is the key to national development because they carry political, social, economic and other reforms in the country.

In this article we propose to focus on the characteristics of corruption offenses, and identify problems and possible solutions.

According to the Council of Europe Criminal Law Convention on Corruption, these activities threaten the rule of law, democracy and human rights, destroy good governance, integrity and social justice, hinder

competition and economic development, and threaten the stability of democratic institutions and the moral foundations of society.

The legal framework in this area is the following documents: Law of Ukraine "On prevention of corruption", the Law "On State anti-corruption policy in Ukraine (anti-corruption strategy) for the years 2014-2017", the Law "On the National Anti-Corruption Bureau" and others.

According to the Article 1 of the Law of Ukraine "On prevention of corruption", corruption is the use of a person referred to the Article 3 of this law granted him authority and related opportunities to obtain unlawful benefit or benefits of adopting such decision or promise / offer such a benefit for himself or others or under promise / offer or provide undue advantage to a person referred to the Article 3 of this Law, or at its request by other natural or legal person to persuade the person to unlawful use of the authority given to it and related opportunities.

The purpose of anti-corruption activities is to create a system for making decisions related to policies on combating corruption in Ukraine, based on an analysis of reliable data on corruption and officials who cause it, including statistical monitoring and enforcement of decisions and their impact on issues related to the prevention of corruption conducted by an independent specialized body with the involvement of civil society and the formation of public support for the fight against corruption.

Despite the sufficient level of legislative consolidation of the main provisions of anti-corruption activity of this issue is still relevant. Corruption in Ukraine still remains one of the top problems threatening economic growth and democratic development.

In our opinion, the main factors contributing to the commission of crimes in this area are:

1. The low level of economic development.
2. Lowlevelsofcivilsocietyandlegalconsciousness.
3. Lacks the mechanism of implementation of anti-corruption
4. The involvement of government officials in corruption schemes
5. Hiding the public authorities of committing crimes.
6. Lack of free access to information.
7. Low level of financial and social provision of public servants.

All these factors lead to negative consequences in the political, social, economic and other spheres of human activity because of reinforce the activities of organized crime and its impact on society.

Therefore, to fight corruption in Ukraine it should realize such activities as:

1. Strengthening of interaction between government, private organizations and citizens

2. The use of computers in areas with high levels of corruption in order to reduce the human factor.

3. Implementation of programs of social education of citizens.

4. The application of the criminal law regardless of the status of the person.

5. Application of combat experience of foreign countries.

Therefore, corruption is dangerous factor which affects all areas of development. Corruption is an indicator of the low level of democratic states. That is why public authorities should implement effective policies to combat crime.

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PROBLEM OF QUALIFICATION'S COMMITTING VIOLENCE AGAINST PRISONERS OF WAR

A war crime can be defined as guilty, socially dangerous, a wrongful and punishable act, what consist in violation of established fundamental principles of juscogens, international humanitarian law of rules conducting of international armed conflict and international character, crime of which defined acts in international crime law.The Criminal Code of Ukraine doesn`t use term "war crimes", but assumes responsibility for them in section XIX Special Part of the Criminal Code of Ukraine "Crimes against the order of military service (war crimes)" and section XX of the Criminal Code of Ukraine "crimes against peace, human security and international law".

The main international legal instrument, which defines the legal status of prisoners of war during the war,it`s the Geneva`s Conventions from August 12, 1949 about protection of war victims and Additional Protocols to them: 1) Additional Protocol to the Geneva Conventions of 1949 relating to the protection of victims of International armed conflicts (Protocol I) dated 8 June 1977 [1]; 2) Additional Protocol to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts not of an international character (Protocol II) of 8 June 1977 [2].

Geneva Convention about handling of prisoners of war in 1949 obliges treat humanely prisoners of war.In particular, no prisoner of war is not can be subjected to physical violence or scientific or medical experimentation of any kind whatsoever character, not justified by considerations of a prisoners of war treatment and their interests.Prisoners of war similarly should be always use a protection, especially from any acts of violence or intimidation.Application to them repressions are prohibited (Art. 13). Neither of physical or moral torture and any other coercion measures can not be applied to prisoners of war for obtaining from them any information. Prisoners of war may refuse to answer.Prohibited threaten to expose the abuse or any persecution or restriction (Art. 17)

Also, according to Art. 130 Geneva Convention III, to the ”serious violations" regarding prisoners of war include: premeditated murder; torture or inhuman treatment, including biological experiments; intentionally inflicting great suffering or serious injuries; harm to health; forcing a prisoner of war to serve in the armed forces of the enemy army [3].

Comparing the offenses envisaged international instruments, to actions that under Art. 434 and Art. 438 CC we can state, specified in these articles of the Criminal Code acts covered by prohibited international legal instruments violence of prisoners of war.

Firstable, raises the question of qualifications specified in internationally legal instruments forms of violence against prisoners of war and from a position of competition and conflicts of the Criminal Code.The most common cases are general and special competition rules.

The rules under Art. 434 of the Criminal Code could be considered on the basis of specific special subject of crime (soldier),relatively of Article 438 of the Criminal Code that provides for the crime was committed common subject.Assuming so, this kind of competition is accepted to decide in accordance with the generally accepted theory of criminal law principle: competition in the general and special rules is applied special rate, that greatest extent reflects the characteristics and features of this criminal act.

So in all of cases the military committed during the armed conflict, in the area of military operations violence against of prisoners of war.Such actions should be categorized under Art. 434 of the Criminal Code "Ill-treatment of prisoners of war" if such acts are not committed in an area of fighting and not a soldier, they should qualify under Art. 438 of the Criminal Code as cruel treatment of prisoners of war or civilians. However such a stance is quite controversial. Firstable, the cruel treatment of prisoners of war and civilians which under Art. 438 Criminal Code a form of violation of the laws and customs of warfare, that is the subject of this

crime, in most cases, is a person who takes part in an armed conflict - it`s soldier. Secondly when compared sanction article 434 of the Criminal Code and Art. 438 of the Criminal Code, it generally turns out that the ill-treatment of prisoners of war that there has been repeatedly, or associated with particular cruelty committed by the military (Art. 434 Criminal Code), it`s a less dangerous crimes against cruel treatment of prisoners of war committed by no serviceman (Art. 438 Criminal Code).

Thus, the qualification cases of violence of the prisoners during the armed conflict with the rules on competition (on the basis of special subject) seems quite controversial.

Perhaps to distinguish between crimes stipulated by Articles 434, 438 of the Criminal Code on circumstances committing feature - the armed conflict.

According to existing international law there are two types of armed conflict: 1) international armed conflicts; 2) armed conflicts not of an international character.

From this point, the situation should be considered a commit an offense -

armed conflict of an international character - obligatory for crime provided for in articles 438 Criminal Code and armed conflict not of an international character - Article 434 Criminal Code.

International legal documents, including the 1949 Geneva Conventions on the protection of war victims, although armed conflicts to distinguishes between international and non-international, but equally providing for liability for violence against prisoners of war, regardless of whether it occurs during the international armed conflict, or international character. According to international legal instruments, including the III Geneva Convention, prisoners of war may be a person (combatant), that fell under the sway the opposite side during the war that the armed conflict of an international character.

During the armed conflict not international character liability for violence against persons, who were under the power of the adverse Party (Which is are not considered as prisoners of war) are regulated by other documents, including the Additional Protocol II. Thus, the meaning of Art. 434 Criminal Code turns out that the ill-treatment of prisoners of war and envisages the crime situation - international armed conflict,so qualification violence against prisoners of war by commit an offense situation - armed conflict - is also controversial. Thus, it follows to establish that this legislative construction creates significant problems with the qualifications of these criminal acts.

It appears that the establishment of criminal responsibility for the violence against the prisoners of war at the same time in two articles Criminal Code (st.434,st. 438 of the Criminal Code) are an unjustified and creates significant difficulties in compliance with taken by Ukraine obligations under the 1949 Geneva Conventions and other international treaties.

But in conditions when there are still inconsistencies in the current Criminal Code of Ukraine Articles 434 and 438 Criminal Code, the delimitation should be carried out with the two mandatory feature: 1) the subject of crime; 2) the nature of armed conflict (international or non-international) [4].

According to Art. 434 Criminal Code act should be qualified as crimes committed by soldiers and situations of armed conflict not of an international character. In all the other cases, the act must be qualified under Article 438 Criminal Code.

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«SERVICE» AS ONE OF ELEMENTS OF «ILLEGAL BENEFIT»

It was desirable to mark, that the fifth structural element of concept "illegal benefit" is "service". This category is a difficult concept that is

differently interpreted by an administrative, civil and economic law. And the main in service is useful result of action (to activity), that consists in an useful effect that satisfies the necessities of man. The legislative decision of this term is contained in п. 17 century 1 LAW OF COUNTRY "About the protection of consumers", in accordance with that service is activity of performer from a grant (transmissions) to the consumer certain, certain an agreement, material or non-material welfare that comes true after the individual ordering of consumer for satisfaction of him the personal necessities. To our opinion, application of such decision for the necessities of anticorruption sphere will be inappropriate, in fact it does not expose the role of service in the context of corruption acts.

For avoidance of misunderstanding in interpretation of this category, it needs to the century 1 LAW OF COUNTRY "About prevention of corruption" to complement a new indention that will contain the decision of concept "services". According to that services are the activity of performer, sent to by a feasance in behalf on a customer or third persons of certain actions or maintenance from their feasance. In relation to the types of services it is suggested to distinguish: transport; technical service; electronic connection; mobile communication and from access to the Internet; from a grant to the personnel; from a management a house; from development, documentation and input of control system; postal connection; restaurant economy; from rest; from making healthy; from employment; from the temporal placing (residence); educational; ritual and others like that. Consider that services can be classified on a few criteria. Firstly, depending on the form of existence of service are: material character (repair of apartment) and non-material (grant of professional consultations). Secondly, depending on the sphere of existence of service it is possible to divide into three groups. The first from them is administrative services. The decision of administrative service is contained in a century 1 LAW OF COUNTRY "About administrative services", in accordance with that by her is a result of realization of imperious plenary powers by the subject of grant of administrative services in the statement of physical or legal person, sent to acquisition, change or stopping of rights and duties of such person under the law. Administrative services can be classified on many criteria, however, to our opinion, most essential for an anticorruption sphere is only two. Yes, in dependence on a subject that can give them administrative services are : state, that is given by public authorities and state enterprises, by establishments, organizations, and also organs of local self-government in order of implementation of the delegated plenary powers due to money of the state budget, and municipal, that is given by the organs of local self-

government, and also executive bodies and enterprises, by establishments, by organizations in order of implementation of delegated by the organs of local self-government of plenary powers due to money of local budget. The second criterion of classification of administrative services is their division at dependence on payment, according to that administrative services are payment (at what paying for service must serve as the not source of income for the organs of public administration, but only to defray costs on her grant), and also without payment. Second group of services after the sphere of their action - it social. Interpretation of maintenance of this category is contained in a century 1 LAW OF COUNTRY "About social services", so social services is a complex of measures on the grant of help to the persons, to separate task forces that are in difficult vital circumstances and does not can independently to overcome them, with the aim of decision of their vital problems. In accordance with a century 5 the above-mentioned Law there are a few varieties of social services : соціально-побутові services, id est, services from providing of feed foods, by a soft and hard inventory, hot feed, transport services, facilities of small mechanization, realization of соціально-побутового patronage, соціально-побутової adaptation, call of doctor, acquisition and delivery of medications and others like that; psychological services, that consist in the grant of consultations on questions a psychical health and improvement of mutual relations with a social environment, application of the psychoactivator sent to the study of socialpsychological descriptions of personality, with the aim of her psychological correction or psychological rehabilitation, grant of methodical advices; socialpedagogical services are an exposure and assistance to development of scalene interests and necessities of persons, that are in difficult vital circumstances, organization individual educational, educator and correction processes, leisure, sporting-health, technical and artistic activity and others like that, and also bringing in to work of various establishments, public organizations, interested persons; socialmedical services are consultations in relation to prevention of origin and development of possible organic disorders of person, maintenance, support and health protection her, realization of prophylactic, curatively-health measures, work therapy; socio-economic services - satisfaction of material interests and necessities of persons, that are in difficult vital circumstances, that will be realized in form the provision of natural or money benefit, and also help as non-permanent indemnifications; legal services are a grant of consultations on questions a current legislation, realization of protection of rights and interests of persons, that are in difficult vital circumstances, assistance to application of state compulsion and realization of legal

responsibility of persons that is succeeded to the not legal actions in relation to this person (processing of legal documents, protection of rights and interests of person, other legal aid and others like that); services in employment are a search of suitable work, assistance in employment and social accompaniment of the employed person; informative services - grant to information, necessary for the decision of difficult vital situation (certificate services); distribution of elucidative and cultural and educational knowledge (elucidative services); distribution of objective information is about consumer properties and types of social services, forming of certain presentations and relation of society to the social problems; and also other. Thirdly, after a sphere to the action of service can be - civil legal. Legislative interpretation of these services is narrow enough, in fact according to a century 177 Civil Code of Ukraine service is the object of civil law. To our opinion, for the necessities of civil law of service - it activity is sent to satisfaction of necessities of subject of concrete type of civil legal relationships. In the field of civil legal service it is necessary to group their grant on the basis of sphere, for example on bank services, services in a guard (property of person, his life and health), services of storage, rent et al.

In relation to dissociation of services from property, then services are the result of activity persons that can have both material and non-material expression, at that time as property, according to a current legislation, - it especially material category (articles of the material world).

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CRIMINAL LEGAL NATURE OF CORRUPTION CRIMES IN UKRAINE

In too many countries, people are deprived of their most basic needs and go to bed hungry every night because of corruption, while the powerful and corrupt enjoy lavish lifestyles with impunity."
– José Ugaz, Chair of Transparency International

What do we know about corruption, how do we know it, and what steps do we need to take to improve our understanding of corruption and enhance governments' effectiveness in combating it?

Corruption is universal. It affects all regions of the world and all levels of society, but the impact is greatest in developing countries.

The effects are far-reaching: corruption can undermine political, social and economic stability, and ultimately threaten the safety and security of society as a whole. Corruption creates a fertile ground for organized criminal activities, even terrorism, as criminals are aided in their illegal activities by the complicity of corrupt public officials. Economic globalization has made corruption a borderless crime. The competitive world of international business can leave companies exposed to bribes and fraudulent financial practices. Corrupt transactions can cross multiple jurisdictions, making the ensuing police investigation time-consuming and complex.

Corruption in Ukraine, which has long been turned into a "chronic evil", has signs of systemic effects, the negative impact of which extends to all areas of public life. Despite the adoption of new anticorruption laws and appropriate subordinate legislation, the level of corruptibility in Ukrainian society is critically high, which is a priority makes impossible to effectively implement the reforms initiated by the President of Ukraine, and threatens the national government security. This requires immediate actions, including the development of scientific and theoretical foundations for the implementation of efficient mechanisms not only combating corruption by strengthening the accountability of perpetrators of corruption, but also reduction of the risk of its rise and prevention through the development of the national integrity system [1].

The criminal law theory provided different definitions of corruption crimes: offenses, which are determined as misuse (abuse) by the officials of government authorities or of local self-government bodies of the conferred powers or their official position in personal interests or interests of third parties (M. I. Melnyk). Any intentional crime that is being committed by an official of a public authority or local government using his official position for mercenary motives, other personal interest or interests of third persons (O. M. Dzhuzha) [4, p. 24–26]; provided for in the Special part of Criminal Code of Ukraine (hereinafter – the CCU) of a socially dangerous act containing signs of corruption and corruption offences (V. Kutz, Y. Trynyova) [5, p. 33]. This diversity of scientific definitions

was due to the absence of a legislative definition "corruption crime". Here the author agrees with V. K. Marin, that in general corruption is a

crime which is committed by an official who provides public services using his special status for the purpose of obtaining undue advantage and the CCU describes approximately 100 such infringements [3].

Under the current CCU, corruption crimes are crimes provided for by Articles 191, 262, 308, 312, 313, 320, 357, 410, in case they were committed by abuse of official position, as well as crimes provided for by Articles 210, 354, 364, 364-1, 365-2, 368–369-2 of the present Code [2;3].

Corruption crimes do not completely coincide with any of the group of crimes in the national Criminal Code. This is quite true of crimes in the sphere of official activity and professional activity related to the provision of public services, corruption crimes often have the connection with. It is evident, not all the so-called "official crimes" can be corruption crimes (name for instance exceeding power or official responsibilities by an employee of law enforcement body (Article 365 of the CCU) or official neglect (Article 367 of the CCU)). On the other hand, corruption crimes are not just limited to crimes in the sphere of official activity and professional activity related to the provision of public services [2].

Obviously, the statutory definition of corruption crimes is provided not in the context of their broad description with disclosing specific signs, but by listing specific articles of the CCU, which stipulate for the responsibility for such socially dangerous encroachments. So, the range of corruption crimes includes certain violations that are provided for in 19 (nineteen) articles of the CCU, i.e. the legislator has brought an exhaustive list. Herein, we can talk about typical signs of corruption crimes: 1) public danger; 2) wrongfulness, that is, envisaging them in the CCU; 3) the acts that contain elements of corruption; 4) the fact of committing them by the peculiar subjects (perpetrators); 5) the presence of exceptionally intentional form of guilt; 6) the punishability. However, as it will be further noted, from the above provisions regarding the typical signs of the researched crimes

there may be certain exceptions [2;3].

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APPLICATION D'UNE LANGUE ÉTRANGÈRE DANS L'ENSEIGNEMENT DES DISCIPLINES DE DROIT CRIMINEL

Il faut souligner que l'enseignement des langues étrangères avait toujours une grande importance dans l'histoire du dévéloppement de l'humanité, surtout à l' époque contemporaine et dans la sphere de droit, en particulier.

Son actualité est conditionnée d'une réalité objective du monde d'aujourd'hui qui se complique toujours extrêmement. Et avec cela ce n'est pas un probleme d'un certain pays, mais celui de tout l'espace mondial.

On peut constater que dans le domaine juridique, cette évidence est surtout éloquante, ayant en vue beaucoup de facteurs criminels, qui déchirent le monde actuel tels que: traite des êtres humains, exploitation de la prostitution d'autrui, trafic d'arme et de stupéfiant, terrorisme et beaucoup d'autres. Il est superflu de citer d'avantage d'autant plus dans les circonstances d'intégration au monde.

En ce qui concerne l'enseignement des langues étrangères et principalement du francais dont il va s'agir dans mon travail, son objéctif principal est la communication pour établir des contacts avec des francophones et en même temps, ce qui est surtout important, obtenir une reconnaissance professionnelle. Il est à noter qu'on cherchait toujours des procédés effectifs d'enseignement de possession pratique des langues étrangères à bref délai, et ces recherches ont une grande histoire.

L'apparition et le dévéloppement des méthodes intensives date du début de XX siècle ce qui est déterminé non pas seulement des raisons historiques et socioéconomiques, mais avant tout de popularité du méthode directe d'enseignement intensif des langues étrangeres, mais ce methode quand même est en fait l'ordre logique des tendances précédentes. Une grande influence en devenir du methode directe ont de telles sciences que psychologie et psychologie sociale. Parmi les méthodes de l'intensif on distingue: audiolingual, audiovisuel, hypnopédique, relaxopédique, ritmopédique, suggestopédique. Or la direction suggestopédique était inspirée par le savant bulgare psychothérapeutiste G. Losanov, qui explique la notion de suggestologie comme science de ressources cachées de l'homme

L'effectivité de ce système est conclue dans le dévéloppement complexe de personnalité d'apprenant et l'étude d'un grand nombre d'unités langagières des relations amicales qui deviennent une source de motivation très forte, la compréhension du discours étranger et le savoir de l'utiliser dans d'autres situations, suppression de l'embarras, des barrières psychologiques, de peur, et la formation d'une personnalité créatrice.

Dans notre pédagogie et celle à l'étranger sont utilisées des formes du travail en groupe.

L'activité de jeu hautement motivée devient la forme principale de réalisation du procéssus d'apprentissage.

De très nombreux jeux de rôles sont prévus, où l'utilisation du geste, du mouvement, de la voix…est requise explicitement.

La motivation, l'implication du groupe et de chacun de ses membres ont servi de base pour les activités Des conversations et des débats improvisés sur des themes d'intéret ou relevant de leur propre expérience sont proposés aux études (dans chacunes des leçons).

Du point de vue psychologique il faut prendre compte de l'organisation plus effective de communication y compris: nombre optimal du groupe (10-12 pers.), et hétérogénéieté du groupe, disposition des communicants assis en demi-rond, face en face etc.

Nous nous situons dans le courant d'une perspective de type actionnel «qui considere avant tout l'usager (enseignant) et l'apprenant d'une langue comme des acteurs sociaux ayant a accomplir des taches (qui ne sont pas seulement langagèires) dans des circonstances et environnements donnés à l'intérieur d'un domain d'action particulier»* et qui utilisent pour ce faire, des compétences générales et langagières, des stratégies, des capacités et des ressources personnelles. (*Extrait du cadre Européen Commun de Référence).

Pour la realisation du procéssus de communication le texte principal qui est à étudier c'est le polylogue, dont les participants sont des apprenants, il est présenté dans chaque leçon comme microcycles (dialogues).

Les partenaires du groupe ainsi deviennent le moyen essentiel d'acquisation de matière. Toutes les leçons sont liées d'un thème p/ex: «Dignité de la personne». Chaque leçon est un des étapes de quelque procès criminel p/ex: «Assistance à l'interpol» (dont une des langues officielles, à propos, est le francais)

Dans chaque microcycle on donne des textes supplémentaires en forme de monologues.

Les textes sont basés sur le matériel lexique et grammatical d'une leçon donnée-microcycle. L'apprentissage du discours monologique, l'audition, tous les aspects de lecture y compris la technique de lecture s'effectue à l'aide des textes pareils. Les devoirs représentent une forme de propre d'autocontrôle, d'auto-évolution. On utilise également des moyens méthodiques d'études supplémentaires tels que: enregistrements au magnétophone, phonothèque, slaïdotheque, images, toutes sortes de jeux p/ex loto chifré qui servent à répéter avec émotion quelques modèles de la parole, unités linguistiques etc.

Enfin en parcourant tout ce qui est exposé dans ce travail, on peut faire la conclusion que les problèmes y considérés sont exlusivement actuels et en même temps très importants, comme il a été déjà dit plus haut, et la situation mondiale et les principes de formation des cadres professionnels hautement califiés, les tâches pédagogiques et lynguistiques qui sont à éduquer un homme harmonieusement dévéloppé, tout ça permet de porter l'accent sur son actualité importante dans les questions de communication.

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ЗМІСТ

Наукове видання

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