

Pinchuk Vladislav, Student of
Magistracy of the National
Academy of Internal Affairs

CLASSIFICATION OF OFFICIALS

In the definition of the concept of official the classification of this special subject of crime is important. Officials are persons who permanently, temporarily or through special powers carry out the functions of representatives of the government or local self-government, as well as permanently or temporarily hold positions in executive bodies, local self-government bodies, enterprises, institutions or organizations related to execution organizational or administrative or administrative and economic functions, or perform such functions under the special powers assigned to the person by the competent authority of state power, the local self-government body government, a central body of state administration with a special status, a plenipotentiary body or a competent official of an enterprise, institution, organization, court or law [1]. The division of the concept is a part of the definition of its scope. Therefore, the establishment of types of officials reveals certain aspects of the general concept of an official, allows it to find out more deeply and precisely, it is a prerequisite for solving the problem of having an official status in the employees of individual catechies.

Under the current Criminal Code of Ukraine, officials are divided into types according to one criterion – the importance of the exercise of authority, according to the same criterion, it is proposed to classify officials in the literature [2, p.158]: 1) officials with the usual status; 2) officials who hold a responsible position; 3) officials who occupy a particularly responsible position. Officials can be divided into types according to other criteria.

1. By the content of the powers that they are endowed with, it is possible to appoint officials who: carry out the functions of the authorities; carry out organizational and administrative duties; who carry out administrative and household communications.

2. Depending on the duration of the exercise of authority, it is distinguished: officials who perform functions of the authorities or perform organizational administrative or administrative household duties constantly; officials who perform functions of the authorities or perform organizational administrative or administrative household duties temporarily.

3. Depending on whether the relevant activity is paid, there may be allocated: officials who perform functions of the authorities or perform organizational, administrative or administrative household duties for remuneration; officials who perform functions of the authorities or carry out organizational, administrative or household duties free of charge.

4. Depending on the method of obtaining the appropriate authority, there are: officials who carry out the functions of the authorities or carry out organizational, administrative or household duties for the purpose; officials who carry out functions of the authorities or perform organizational, administrative or administrative household duties as a result of the election.

5. Depending on the status in which they perform organizational-administrative or administrative household duties, there are: officials who perform these duties while taking positions; officials who perform these duties for special powers.

6. Depending on the form of ownership of enterprises, institutions or organizations, where organizational-administrative or administrative household duties are performed, the following are allocated: officials who perform these duties at state-owned enterprises, institutions or organizations; officials who perform these duties on utility companies, institutions or organizations; officials who perform these duties at private enterprises, institutions or organizations.

7. Depending on the citizenship of persons who perform organizational and administrative or administrative household duties, among the officials one can distinguish: citizens of Ukraine who fulfill these duties; citizens of other states who perform these duties; stateless persons who perform these duties.

In the current Criminal Law, the reference to a servant as a subject of a crime is provided in more than 70 articles contained in various sections of the Special Part of the Criminal Code of Ukraine. There is a large number of criteria for the division of officials.

List of references:

1. Кримінальний кодекс України від 5.04.2001 р. Відомості Верховної Ради України (ВВР). 2001. № 25-26. ст. 131.
2. Круглов О. М. Про доцільність використання терміну «службова особа». *Вісник Запорізького юридичного інституту*. 2001. № 3. С. 158.

ShydenkoVioletta, Cadet of the
National Academy of Internal
Affairs

CRIMINAL LEGAL ANALYSIS OF CRIME PROVOCATION

One of the issues discussed in the theory of criminal law and of great practical importance is the problem of responsibility for the provocation of a crime. The Criminal Code of Ukraine establishes criminal liability only for the provocation of bribery (Article 370 of the Criminal Code of Ukraine). Note that provocative activities may be covered by two forms of complicity - incitement or organization of a crime, since the crime initiation may belong not only to the instigator but also to the organizer of the crime.

Most scientists, under the provocation of a crime, mean incitement to him in order to expose the person who committed the act in the future. On the basis of the analysis of objective and subjective features, the author's criminal-law definition of the provocation of a crime is suggested, which means the creation of a person who creates the situation causing another's commission of a crime, or complicity in such an offense with a view to exposing it,