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### **Features of Criminal Responsibility for Misuse of Power or Employment Provided by Public Workers**

Ukrainian legislation regulating prosecution of white collar crimes including the anti-corruption element is being constantly updated and thus characterized as overstructured and cluttered. All amendments concerning legal prohibitions undoubtedly have to be well-scheduled and reasonable with a chance to be duly analyzed and commented by scientists and experts. So far the abovementioned process of permanent criminal legislation «upgrading» is only picking up speed, inter alia provisions regulating liability for white collar crimes.

Taking into consideration the current criminal-legal background, author provides analysis of legislative regulation of liability for white collar crimes. Article contains characteristics of objective and subjective features of the mentioned crimes and problematic issues overview including imposition of a penalty. Attention is paid to decriminalization in Art. 364 of the Criminal Code of Ukraine by amending its note.

Objective element of power or authority abuse has three essential features: act – use of power or authority by public official in opposition to state interest through specific activity/inactivity of the subject; consequences – substantial damage caused to legally

protected rights, freedoms and interest of individuals/legal entities or state interest; causal connection between act and consequences. If at least one feature is not present – corpus delicti under Art. 364 of the Criminal Code of Ukraine is not defined.

Subject of a crime – public official (NPU staff is also referred to this category). Subjective element is characterized in terms of act as direct intention and in terms of special purpose – acquisition of illegal benefit by the subject or other individual/legal entity; consequences are characterized by intention or negligence (Art. 364 (parts 1–2) of the Criminal Code of Ukraine).

Constant updating of criminal legislation does not always adequately affect the enforcement process. One of the key problems related to the crime classification is interpretation of «substantial damage» and «grave consequences» which are defined as essential consequences of power or authority abuse. One of updates which led to numerous discussions among both scholars and experts was the adjustment of the abovementioned definitions on the basis of the Law of Ukraine «On Amendments to Legislative Acts of Ukraine Regulating the Implementation of State Anti-Corruption Policy in Accordance with the Visa Liberalization Action Plan» from May 13, 2014 through extraction the provisions on material damage from clauses 3–4 of the note to Art. 364 of the Criminal Code of Ukraine.

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