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## **CONTENTS OF EXCLUSIVELY DISPOSITION OF ARTICLE 171 OF THE CRIMINAL CODE OF UKRAINE**

Criminal liability for interference with the lawful professional activities of journalists is provided in Art. 171 of the Criminal Code of Ukraine. The disposition of the said norm, with the adoption of February 4, 2016, of the Law "On Amendments to the Criminal Code of Ukraine on Improving the Protection of Professional Activities of Journalists" (No. 993/19-VR), has undergone major changes and additions. That is why there is an urgent need for a scientific explanation of certain provisions of the new wording of Art. 171 of the Criminal Code of Ukraine, for its more effective application in investigating the relevant acts.

Firstly, the victims of this crime are journalists. Unfortunately, the legislation of Ukraine does not contain a uniform definition of the term "journalist". According to Part 1 of Art. 25 Journalist on printed mass media (press) in Ukraine is a creative worker who professionally collects, receives, creates and engages in the preparation of information for the print media and acts on the basis of labor or other contractual relations with its editor or engages in such activities under its authority, which is confirmed by an editorial certificate or other document issued to him by the editors of this printed mass media.

According to the Law on Information Agencies, a journalist from an information agency is a creative worker who collects, receives, creates and prepares information for an information agency and acts on his behalf on the basis of labor or other contractual relations with him or on his behalf (p. 1 st 21).

The journalist's affiliation with the news agency is confirmed by an official certificate of this agency or other document issued to him by this agency (Part 2 of Article 21).

In Art. 1 Law on State Support to Mass Media and Social Protection of Journalists states that a journalist is a creative worker who professionally collects, receives, creates and is engaged in the preparation of information for the media, performs editorial and official duties in the media (in the state or on a freelance basis) according to the professional titles of the posts (work) of the journalist, which are indicated in the state classifier of occupations of Ukraine.

According to Art. 1 the Law "About television and radio" TV and radio journalist - a full-time or freelance creative worker of the broadcasting organization, which professionally collects, receives, creates and prepares information for distribution.

Secondly, the new edition of Art. 171 of the Criminal Code of Ukraine significantly expanded the scope of objective forms of obstruction of the legitimate professional activities of journalists. Such acts include:

1) The unlawful removal of the materials and technical means prepared by a journalist, which he uses in connection with his professional activities, is the total or partial deprivation of a journalist's legal right to use or dispose of the materials or technical means, as a result of them abduction, locking of premises or repositories where appropriate materials are stored, etc.

2) Illegal denial of access to information by a journalist is such a refusal in a direct or indirect (veiled) form that is not legally justified and may be manifested in putting a journalist in conditions where it is impossible to exercise his rights and obligations in established by law. A direct form of denial occurs when the offender publicly declares his reluctance to grant the journalist access to information or relates the provision of such access with certain conditions, the execution of which is not provided by the current legislation. An indirect (concealed) form of refusal occurs when a genuine intention to deny the access of journalists to information is

veiled by certain circumstances (often fictitious), in connection with which the refusal is apparently of a legal nature (the disease of the responsible person, the legal regime of the territory or object , on which information gathering should be carried out by a journalist, etc.).

3) Illegal prohibition of coverage of certain topics, the display of individuals, criticism of the subject of power is the total or partial deprivation of a journalist's legitimate ability to carry out his activities aimed at collecting, processing and disclosing information about specific topics, showing individuals, criticizing sub ' the power of authority. Such a prohibition may be committed by means of an illegal indication or requirement, restriction of access of the journalist to relevant information, etc.

4) Any other intentional interference with the pursuit of a legitimate professional activity by a journalist is an unlawful creation of a barrier, restrictions, prohibitions on the receipt, use, dissemination and storage of information by a journalist.

5) The influence in any form of a journalist with a view to preventing the performance of his professional duties is the actions consisting in persuading the journalist, his blackmail, the threat of refusal to render legal benefits, as well as any other similar forms.

6) The prosecution of a journalist in connection with his legal professional activities is a physical or mental influence on him, his family or his close relatives, restriction or deprivation of his rights or legitimate interests (in particular, deprivation of a prize, substantial reduction of the size of a fee, dismissal from work or transfer to another or refusal to publish materials prepared by him) and other similar actions.

A necessary sign of such actions to qualify them for Part 2 of Art. 171 of the Criminal Code is a causal condition for prosecution of the performance by a journalist of his professional duties or his criticism of physical (not necessarily guilty) or legal persons.