

**Vartyletska Inna**, Professor of the Department of Criminal Law of the National Academy of Internal Affairs, PhD in Law, Associate Professor

## **CURRENT TRENDS OF CRIMINAL POLICY IN THE FIELD OF APPLICATION OF MEASURES OF CRIMINAL LEGAL NATURE**

The dynamics of the prevalence of various types of punishment and criminal-law measures in the judicial practice of Ukraine over the past decade indicates a steady increase in the use of penalties not related to imprisonment. Since 2007, there has been a gradual increase in the category of convicted persons who have been sentenced to non-imprisonment. So, the fine in 2007 was applied to 8.8 percent of criminals. From year to year, the proportion of these criminals only increased and by the end of 2017, it is 24.12 percent. One can also speak of a significant increase in the proportion of convicted persons who have been sentenced to punishment as public works (from 2.8% in 2007 to 6.9% in 2017).

In general, between 2007 and the present, the rate of non-imprisonment punishment has doubled: from 16.3 per cent in 2007 to 32.64 per cent in 2017. Among the punishments related to the deprivation of prisoners' personal liberty, the trend is to increase the number of cases of the use of the sentence in the form of arrest. In 2007, 1.3 per cent of criminals were sentenced to this sentence. By the end of 2017, the share of such persons has increased to 3.6 percent.

It can be said about trends in the practice of sentencing in the form of imprisonment, there are no special fluctuations or significant changes in the number of criminals. Since 2004, the proportion of such persons has fallen below 30 per cent and has not risen to this figure. In 2011, we see a certain growth of this indicator to 28.6 percent. In other years in the period of 2004-2017 this category did not exceed 25 percent and by the end of 2017 it is 21.02 percent. The

given statistical data confirm the conclusion that the punishment in the form of deprivation of liberty ceased to be the most widespread, moved to the second position after a fine and has a steady tendency to reduce its share in the practice of its application.

In the modern period, the maximum number of criminals is punished in the form of imprisonment for committing crimes against property (66% in 2016), crimes in the area of the circulation of narcotic drugs, psychotropic substances, their analogues or precursors, and other crimes against the health of the population (10%) and crimes against human life and health (9%). At the same time, 45 per cent of criminals who were sentenced to imprisonment committed theft of someone else's property. The prevailing use of punishment in the form of deprivation of liberty is also grounded in the perpetrators of the most serious crimes. Among them, first of all, intentional murder (39% of those convicted of crimes against life and health), serious bodily harm (50% of the same category of offenders) should be distinguished.

Simultaneously with an increase in the number of convicted persons, a significant reduction in the use of such punishment as a correctional measure is taking place (if in 1991 this sentence was applied to 22.3% of convicts, then in 2017 their share decreased to a minimum of 0.16%). The same tendencies are also observed in terms of punishment in the form of restraint of liberty. In 2017, only 1.43% of convicted offenders were serving the sentence. The tendency to curtail the practice of applying penalties in the form of correctional work and restraint of freedom is conditioned, first and foremost, by the impact of contemporary economic and social trends. These are: the closure of enterprises of the state sector of production, which mainly ensure the persons sentenced to these punishments, places of their serving; a rather high level of unemployment, lack of necessary investments for economic development. Along with the mentioned features in the practice of punishment, it is necessary to pay attention to the dynamics of the use of other measures of a criminal law nature. In the period from 1990 to 2004, there was a significant increase in the category of persons who were released from serving sentences. In the 1990s, 21.4 percent of offenders were released from

punishment. At the end of 2004, the proportion of such convicts was 60 percent. This year, the gradual reduction of this group of people began. In the period 2016-2017, 42 percent of the perpetrators were released by the courts from serving a sentence. And this indicator with minor fluctuations is kept for five years.

The above regularities confirm that the criminal policy of Ukraine in the area of implementation of criminal sanctions today corresponds to the practice of implementing criminal-law measures in European countries. Positive is the prevailing introduction of the practice of the use of measures not related to the restriction and deprivation of freedom of criminals and the further expansion of the possibility of using such measures as public works and fines.