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STATE OF THE RESEARCH OF CRIMINAL RESPONSIBILITY AND PREVENTION FOR CORRUPTION CRIMINAL OFFENCES IN UKRAINE AND FOREIGN COUNTRIES

In our opinion, consideration of the provisions on the state of the research of criminal responsibility for corruption criminal offenses and their prevention involves focusing the attention of scientists on issues that cover the three main blocks: 1) regarding criminal liability and prevention; 2) regarding the comparative and legal aspect; 3) regarding corruption criminal offenses. At the same time, it is important to observe the principle of legal certainty, which has repeatedly stopped in its decisions the Constitutional Court of Ukraine (in particular, No. 5-rp/2005 of September 22, 2005 and No. 17-rp/2010 of June 29, 2010) which will ensure clarity and unambiguousness of legal norms, their equal application, while the

limitation of any right should be based on criteria that will enable the individual to separate the lawful conduct from the unlawful, to foresee the legal consequences of his/her behavior.

Considering the questions of criminal responsibility and prevention, it is important to carry out an analysis of the works of domestic and foreign scientists (for example, L.V. Bagrii-Shakhmatov, Yu.V. Baulin, S. Beits, Y.M. Braynin, G. Grabarchec, V.K. Grischuk, E.C. Clark, O.V. Loshenkova, J.Mejcher, V.O. Merkulova, J. Samaha, P.P. Serdyuk, V. Tadros, G.L.A. Hart, O.O. Chistyakov, R.A. Shiner, etc.), where the questions of the theory, methodology, mechanism of criminal responsibility, its concept, bases, forms, types, problems of realization are disclosed, including a comparative and legal measure.

On a worldwide scale, comparative and legal researches in the field of criminal law were carried out by foreign scholars such as D.J. Baker, R. Cryer, M. Dubber, H. Friman, K. Gallant, T. Hörnle, D. Robinson, E. Wilmschurst and many others. Regarding corruption criminal offenses (this term the Criminal Code of Ukraine will be used, starting from January 1, 2019, and to this day they are called «corruption crimes»), they were researched in criminal law and criminology by P.P. Andrushko, O.Yu. Bousol, O.O. Dudorov, V.M. Kirichko, O.M. Mikhalchenko, V.I. Osadchiy, A.V. Savchenko, V.I. Tiutiugin, M.I. Havronyuk, N.M. Yarmysh and many other scholars.

Under current conditions in the legal literature (in particular, A.V. Shevchyshen) it is rightly noted that it is «thanks to conducting numerous scientific researches in the fields of political science, criminology, criminal law, criminal procedure, criminalistics the scientific base of combating corruption crimes was formed» [1, p. 111].

The works on problems of criminal responsibility and prevention of corruption criminal offenses (crimes) are represented in the form of dissertation researches, monographs and other scientific (scientific and practical) publications (in particular, comments), scientific professional articles or their cycles, abstracts of speeches at conferences, symposiums, round tables, textbooks, including multimedia, collections of scientific works, scientific and methodological recommendations, various kinds of scientific and

practical developments. They are characterized by a different degree of generalization, volume and scientific novelty. However, as it seems, the commonality of such works is that they are all oriented not only to higher education graduates, scientists, but also to practitioners.

The specificity of jurisprudence in Ukraine is that criminal-legal works, where the issues of responsibility for corruption crimes are raised and solved, often touch upon related branches of knowledge – criminology and criminal executive law. Moreover, taking into account the fact that the problem of corruption criminal offenses (crimes) and corrupt offenses (crimes) related to corruption is international and interbranch, its scientific development is actively carried out separately or with the combination (splitting) of the elements, which are characteristics of other areas of knowledge – international, criminal procedural, administrative, civil and financial law, criminalistics, operative-search activity, sociology, political science, public administration, psychology, etc. There is also no doubt that the problems of corruption and its various manifestations also affect the economy, finance, banking, housing and communal services, medicine, education, sports, religion and many other areas.

Consideration of questions of criminal responsibility and prevention of corruption crimes can also be implemented in the corresponding academic disciplines taught in higher educational institutions of a legal status (for example, in the Institute for the training of personnel managers and advanced training of the NAIA during retraining of the investigators of police, the academic discipline «Anticorruption legislation», where issues of the concept, prevention and responsibility for corruption, as well as corruption offenses, is taught, or in the Institute of the Prosecutor's Office and Criminal Justice of Yaroslav the Wise NLU uses the educational-methodical publication «Problems of Qualification of Corruption and Corruption-Related Crimes: a Methodological Manual») [2; 3].

At present, virtually every article of the Criminal Code of Ukraine, envisaging the responsibility for a particular corruption crime, is developed at the level of one or several dissertation researches, as well as within the limits of the corresponding monographs, scientific articles, conference theses, etc.

In distant foreign countries, the comparative and legal studies of criminal responsibility and prevention of the corrupt criminal offenses

are usually reduced to the conclusion of relevant analytical reviews (reports) on the state of prevention and counteraction of corruption on a global scale, which are useful primarily for scholars and practitioners (in particular, in this context, a typical example is the annual analytical reviews of the well-known British edition of «Global Legal Insights», in which in printed and electronic forms of researches on experts regarding the trends of anticorruption policy of different countries of the world are presented) [4].

However, until now the comprehensive and systematic comparative and legal research on criminal responsibility and the prevention of corruption criminal offenses in Ukraine and foreign countries has not been implemented, so it is difficult to imagine a complete picture of the state of such research. Therefore, we consider the implementation of this study to be an actual and perspective task for the future.

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