

Krutevych Mykola, Teacher of
the Department of Criminal Law
of the National Academy of
Internal Affairs

SEPARATE ASPECTS OF CRIMINAL RESPONSIBILITY FOR TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings in the modern world is one of the most brutal mass violations of human rights and freedoms. The social threat to trafficking in human beings as an extremely dangerous crime is to encroach on the inalienable human rights of the right to respect, liberty and personal integrity, freedom of movement and free choice of place of residence, and sometimes the right to life. Trafficking in human beings represents a significant public danger for women, men and children who are used for begging, sexual exploitation, and engaging in other illegal activities that humiliate human honor and dignity.

In the national legislation, the concept of trafficking in human beings is defined in the Law of Ukraine "On Combating Trafficking in Human Beings" of September 20, 2011. Trafficking in persons is the commission of an illegal transaction the object of which is a person and also the recruitment, transfer, harboring, transfer or receipt of a person committed for the purpose of exploitation, including sexual exploitation, using fraud, fraud, blackmail, a vulnerable person's state or with the use or threat of use of violence, using the official position or material or other dependence on another person who is recognized as a crime in accordance with the Criminal Code of Ukraine (Article 1 of the Law of Ukraine).

In the wording of Art. 149 of the Criminal Code of Ukraine the meaning of "trafficking in human beings" corresponds to international norms, in particular, the definition of such an act of November 15, 2000, in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational

Organized Crime p. The process of qualification begins with the establishment of signs of the objective side of the crime. Disposition of Part 1 of Art. 149 of the Criminal Code provides for trafficking in human beings in separate forms: 1) trafficking in persons; 2) the implementation of another illegal transaction, the object of which is a person; 3) recruitment; 4) moving; 5) hiding; 6) transfer; 7) the receipt of a person committed with the use of deception, blackmail or a vulnerable state of a person.

For the presence of a crime, stipulated by Art. 149 of the Criminal Code of Ukraine, it is enough to commit criminal acts at least in one of the above forms. Intermediary services in the employment of a person, paid assistance in adoption (admission), as well as pimping do not form signs of the analyzed composition of the crime, since payment in such cases is subject to not the transfer of a person, but only services to promote (creating conditions) for future activities of the person. The unlawfulness of the deal is that a person as a living creature and a citizen can not be the subject of any paid and free-of-charge arrangements, leveling up to the status of movable property.

Trafficking in human beings and other unlawful agreements form the part of the complete crime from the moment of the implementation of the relevant agreement, the completion of the agreements reflected in the transfer of the specified amounts of money, the movement of the person himself to ensure the validity of each such agreement, from the moment of actual transfer of guilt as a human subject in respect of which sale or other unlawful agreement, to the other party (person or persons). Actual transmission is considered to be realized from the moment when the victim began to be under the control of the person to whom he was to be transferred under the relevant agreement, that is, from the time when such person received a real opportunity to dispose of the person at his own discretion.

A compulsory sign of committing a crime in the forms of recruitment, transfer, hiding, transfer or receipt of a person is a

method of a criminal act that manifests itself in the use of deception, blackmail or a vulnerable state of a person.

Unlike international acts, the Ukrainian legislator, as a separate form, highlights its own trafficking in human beings, that is, the commission of acts of sale of people without mandatory further exploitation.

Ivashchenko Vita, Professor of the Department of Criminology and Criminal Enforcement Law of the National Academy of Internal Affairs, PhD in Law, Associate Professor

INTERNATIONAL ANTI-TERRORIST LEGAL ACTIONS

The article 1 of the anti-terrorism Law of Ukraine defines terrorism as criminal offences, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or any other criminal offences.

V. Antypenko claims that it is important to differentiate between the concepts “terrorism” and “terrorist acts”. The author believes that terrorism as an international offence is a longstanding fight with the violation of the international law in which terror act is a certain gain. Terrorist act is a single offence aiming at the use of violence or illegal force, intimidation, attacks on civilian targets serious damage of the property, and the goal of affecting society. It has political objectives.

Recent global events prove that this offence is progressing rapidly. Political, religious, ethnic and criminal groups do terror acts almost every day. It is reported by the media. The progress has made