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CRIMINALIZATION AND PENALIZATION OF CRIMINAL OFFENSES

Modern penal policy of Ukraine is based on mitigated criminal liability for minor and moderate crimes, strengthening of criminal liability for grave and especially grave crimes. It is suggested to support mitigation of criminal responsibility through the introduction of the concept of misdemeanour into the criminal law of Ukraine. In almost every case of introduction of criminal offenses it is noted that this is a manifestation of humanization in domestic law. However, transition of actions that today are administrative offenses, and tomorrow will be a criminal offense, can not be called humanization. Rather, it is a manifestation of criminalization, but this approach does not meet the trends of modern criminal law of Ukraine.

Historically, all offenses arose from criminal law. In all countries their commitment entails liability for both individuals and legal entities.

The main type of responsibility in all states is fine.

The overwhelming lack of systematization of rules to punish misconduct is also noted.

Typically, the responsibility for offenses is imposed by administrative authorities.

Violation of the requirements in European countries for a long time was considered to be punishable act. The historical origin of administrative violations from criminal law is determined by the fact that all kinds of violations in European countries were considered exclusively within the criminal law. However, development of economy and areas of human activity proved impossibility to regulate responsibility for all kinds of violations of criminal law mechanisms involving court and the principle of competition and equality of parties, etc.

The problem of the introduction of criminal offenses requires further research aimed to find the most optimal solution, which could become a model for consolidation of provisions on criminal offenses in the criminal legislation of Ukraine.