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ON THE EXPEDIENCY OF EXISTENCE OF CONFISCATION OF PROPERTY AS A FORM OF CRIMINAL PENALTY

The paper analyses existing approaches to the matters of necessity of existence as well as social and legal conditionality of such type of penalty as confiscation of property. It should be noted that there has been an increasing interest of scholars in the effectiveness of existing punishments, including confiscation of property. However, the nature of confiscation of property is to some extent problematic, which naturally causes debate in scientific circles, since penalty must match the severity of criminal offense, be fair and sufficient to correct and prevent conviction of new crimes.

As a result, the views of the authors on the issues of ascription of property confiscation to archaic forms of penalty, the problems of conformity of general property confiscation as a penalty with

the Constitution and the issues concerning determination of its legal nature have divided in two groups, each having its supporters with their own arguments.

According to the first viewpoint, confiscation of property is an effective form of penalty and its abolition will result in the increase of profit-motivated crime.

Supporters of the opposite viewpoint substantiate exclusion of confiscation of property from the system of penalties, as they believe that the validity of its legal nature is not confirmed and is contrary to a number of provisions.

The author makes conclusions on the rationale for the existence of confiscation of property, specifies the main arguments for its preservation and determines the direction of further research.