

*Berezovska N.L.,
Candidate of Law Sciences,
Associate Professor,
Senior Lecturer, Department of criminal law,
National University «Odessa Law Academy»*

PUNISHMENT IN THEORY AND PRACTICE OF CRIMINAL LAW

The Criminal Code of Ukraine establishes goals of punishment. According to the Art. 50 part 2 of Criminal Code of Ukraine punishment is intended not only punish but also correction and prevention of new crimes of criminals and others.

Limitation of rights and freedoms should be applied only to achieve the goals of punishment as correction of the offender and to prevent new crimes of convicts and also by others persons as well.

The punishment applies to the guilty person for stabilization of social relations that have been affected after crime. And it is not enough to cause some mental suffering in return or to make some recompense for his crime. Society would not be better than the criminal in this case. The state should take care of correcting such person, to prevent crimes (this and others) in the future. Only

in this way it is hoped to restore rules of law.

The correct solution depends from the issue violated the basic definition of the sense of punishment. The penalty is a punishment for crime. The content associated with the application to sentence convicted on some distress. This is a necessary feature of any punishment.

Penalty is the essence of punishment is particular limits of the rights and freedoms of the convict. The volume of punishment depends from character and greatness of crime. The punishment is harder when the crime is great.

So, the punishment is not retribution for the crime, but some kind of limitations, enforcement actions, which are made to achieve aim of further correction of criminal. So, the punishment can not be listed in the law among the goals of punishment.

*Zabrodska T.A.,
Degree-seeking applicant,
Department of criminology and penal law,
National Academy of Internal Affairs*

DIRECTION AND CONTENTS OF THE ALL-SOCIAL PREVENTION DRUG-RELATED RECURRENT CRIME

The article is devoted to system of prevention drug-related recurrent crime, which is general for society. The main measures of general prevention drug-re-

lated recurrent crime are described.

Ukraine has a system of all-social prevention drug-related recurrent crime. This system is based on conventions, Constitu-

tion of Ukraine and laws. The main measures of all-social prevention drug-related recurrent crime are realised following some directions. Such as: improvement of legal regulation activity related to the prevention of crime in drug trafficking; prevention of drug addiction, addiction treatment; implementation of social patronage of persons which were dismissed from prison.

Quality of the measures all-social prevention drug-related recurrent crime depends on the size of their funding. The system of all-social prevention drug-relat-

ed recurrent crime needs improvement. It is necessary to create conditions for the anonymous addiction treatment; to improve accounting procedures of drug users; to develop a national program to prevent recurrent crimes; more specific duties of subject which realise the main measures of all-social prevention drug-related recurrent crime.

Special attention needs solving problems related with poor propaganda of healthy lifestyles, development education and science, overcoming indifference to the problems of drug abuse.

*Zagohodirenko P.A.,
Ph.D. student,
Department of criminal law,
National University «Odesa Law Academy»*

PROVOCATION OF A CRIME: CRIMINAL-LEGAL ANALYSIS AND IMPROVEMENT OF CURRENT LEGISLATION

Forms of act expression of provocation in crime is socially dangerous act, active behavior of perpetrator. Forms of provocation can be varied on tips, hints, recommendation, suggestions and others. Provocation crime may also be oral in nature, manifest through gestures, writing, demonstration of any images and others. As instrument can be various means of transmission and storage of such information: telephone or facsimile, Internet, etc. Provocateur can also act secretly, through the creation of conditions and circumstances that cause a person to commit a crime.

Provocative actions must always precede criminal behavior of the person who triggered the objective side. Creating a situation that causes crime, must not only precede im-

plementation of the act provoked by the person, but also preceded the emergence of that person's intention to commit the crime.

The starting point of provocation is an action aimed at creating a situation that is going to commit a crime. Final point is the appearance of a person to commit a crime or to take part in its commission.

The subjective aspect of provocation crime is characterized by direct intent and specific purpose, exposing the person. Direct intent indicates that the offender is aware of their provocative actions on the other person that it provokes, and wants to do the following.

Motives may be different for committing such an offense. For example: revenge, careerism, jealousy and so on.