

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.

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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.

The purpose of provoking a crime is an artificial creation of evidence of a crime or blackmail. Of course, the creation of evidence under this order, indicating the presence of a crime in the actions provoked person.

Provocation is in the form of expression as well as the provocative activities

of law enforcement in practice.

Any premeditated crime could be provoked. In this connection, it is expedient to define provocation of crime as «deliberate unilateral actions of the person aimed on engaging a person who is provoked in crime with the aim to exposure the person in the crime which was done».

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AMENDMENTS AND SUPPLEMENTS TO CHAPTER VIII OF THE SPECIAL PART OF THE CRIMINAL CODE OF UKRAINE: PENALIZATION OR DEPENALIZATION?

Since the adoption of the current Criminal Code of Ukraine some amendments to Chapter VIII «Criminal offences against environment» have been made. The actions covered by the Art. 239-1 and 239-2 of the CC of Ukraine have been criminalized, sanctions of the Art. 240, 245, 247, 248, 249, 254 of the CC of Ukraine have also been amended and supplemented. In connection with that it is very important to conduct the analysis of the essence of these amendments and supplements to Chapter VIII of the Special Part of the Criminal Code of Ukraine on kinds and dimensions of penalties for the offences against environment, namely penalization (depenalization) of these offences.

Penalization is a process of establishment, expansion, enforcement of punitiveness for criminal actions as well as imposition of punishment. Depenalization is a process of restriction, softening of state forcing for committed offences as well as

discharge of criminal responsibility and punishment.

On the basis of the analyzed amendments and supplements to Chapter VIII of the Special Part of the Criminal Code we can say that they penalize actions covered by Art. 239-1 (Misappropriation of soil cover (surface layer) of land), Art. 239-2 (Misappropriation of lands of water resources on an especially large scale), 240 (Violation of rules related to the protection of mineral resources), 247 (Violation of law on plants protection), 248 (Illegal hunting), 249 (Illegal fishing or hunting or any other sea hunting industry) of the CC of Ukraine. Concerning depenalization of offences against environment it is represented by amendments to Art. 245 (Destruction or impairment of forests) and Art. 254 (Wasteful use of lands). Therefore, we can state the fact of enforcement of criminal punishment for offences against environment.