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FALSIFICATION OF MEDICINES AND CIRCULATION OF SOPHISTICATED MEDICINES: CORPUS DELICTI

The article analyses the objective and subjective elements of crime under Art. 321-1 of the Criminal Code of Ukraine, advantages and disadvantages of a specified criminal law.

Amendments to Certain Legislative Acts of Ukraine concerning prevent falsification of medicinal products dated 08.09.2011 was introduced criminal penalties for manufacture and falsification of medicines.

Nowadays in Ukraine is a quite small practice of criminal cases for falsification of medicines. Employees of the preliminary investigation are in direct contact with the specified criminal law and they are noting several major problems.

First of all, there is no specific definition of the special subject of crime because in practice the criminal offenses under Art. 321-1 of the Criminal Code

of Ukraine are committed by people with medical education. Special subjects appropriate to make qualifying element of the crime. For second, the legislator does not define serious consequences that exclude the correct application of criminal liability for falsification of medicines.

Investigators are need to develop special methods of investigation of falsification of medicines for the full and high-quality criminal process.

It can be concluded that the criminal law under Art. 321-1 of the Criminal Code of Ukraine is very progressive, covering public relations, which until 2011 were regulated at the level of administrative responsibility. At this stage it is important to develop a theoretical basis for the practical use for correct classification and qualitative investigation of the crime.

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CRIMINOLOGICAL ANALYSIS OF THE PERSONALITY OF ALCOHOL ADDICTED

This article is devoted to the analysis of the criminological significant features of people suffering from alcohol

addiction. Their social and demographic, moral and psychological symptoms having possible criminogenic meaning are

characterized. The prevalence of older age group (36-60 years) with intensifying tendency of rejuvenation of alcoholism is revealed in the structure of alcohol addicted. The male share in the structure of alcohol addicted is 86,5% and female is, respectively – 13,5%, which is generally correspond to a similar rate in the overall crime rate in Ukraine. By the results of a survey of 450 narcologists and testing 2480 individuals who are on the records in connection with the use of alcoholic drinks (1520 persons with a dependence syndrome; 860 persons with cancellation of delirium, psychotic disorders; 960 persons with amnesic syndrome, residual and remote psychotic disorders) additional arguments in favor of criminological typology of alcohol addicted persons are presented and passive, active and anxious types

are allocated. It is found out that majority of alcohol addicted are characterized by egocentrism, social disorganization (expressed in addictive conditioned exaggerated attitude to personal needs, perception of their incommensurability with the problems of others and, therefore, centering attention and activity on them), infantilism (implies with a lack of interest to public events, family life), psychological alienation (expressed in stopping emotional contacts with family members and persons of immediate household environment, activation of psychological mechanisms of narcissism burdened with condemned attitude to alcohol abuse by relatives, friends and others), and disorders of memory, intelligence, reduced volitional qualities. Criminogenic meaning of the stated personal features is indicated.

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PRINCIPLES AND GENERAL BASICS OF PUNISHMENT'S IMPOSITION

The prerequisite for punishment's imposition is a commitment of a criminal offense by a person (felony or misdemeanor), directly prescribed by the law on criminal liability.

The imposition of punishment is one of the steps of its realization. The purpose of this step lies within individualization of certain punishment as to the person who has committed a criminal offence (felony or misdemeanor) whose guilt has been proved in a legal way.

The imposition of punishment has the following features:

- it is preceded by a commitment of a criminal offense by a person;
- the guilt of offender is completely proved in a legal order;
- the right legal estimation of the criminal offence is established by a court verdict of guilty;
- a court shall rightly impose a type and amount of punishment to the offender.