

O. Lutsak
Degree Seeking Applicant,
Department of Criminal Law,
National Academy of Internal Affairs of Ukraine

CRIMINAL RESPONSIBILITY FOR CRIMES RELATED TO ILLICIT TRAFFICKING IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, COMMITTED WITH THE INVOLVEMENT OF JUVENILES AND FOR JUVENILES: CONCEPT AND WAYS OF IMPROVEMENT

The paper investigates some aspects of criminal liability for offenses related to illicit trafficking in narcotic drugs and psychotropic substances, committed with the involvement of juveniles and for juveniles. The research has established meaning of legal construction “with the involvement of juveniles and for juveniles” and offered a number of suggestions for improving the criminal liability for offenses related to illicit trafficking in narcotic drugs and psychotropic substances, committed with the involvement of juveniles and for juveniles. The relevance of this topic is determined by the fact that drug addiction and drug crime in Ukraine over the past decade has been one of the most pressing social problems. Absence of its solution results in harm to human health, negative impact on social services, as well as threat to national security of the state. The present-day situation in the field of drug trafficking is primarily caused by the overall high level of drug consumption by people not for medical purposes, which is 33 per 10 000 people (compared to 21 person in 2003), the intensification of international drug rings

and transit movement of drugs through the territory of Ukraine.

At the same time, statistics show that a significant number of crimes related to drugs trafficking by juveniles are committed under the direct influence of older persons. That is, there is negative trend in drug-related criminology in the part of direct criminal influence of adults on juveniles for the purpose of their involvement in criminal activities. For example, in 2012 11.5% of the total number of crimes related to drug trafficking was committed by juveniles or with their involvement, and in 2013 – 13.1%. The foregoing reveals the relevance of issues related to the legal protection of minors from adults’ targeted actions aimed at their involvement in the commission of drug-related crimes, both as consumers and active participants in the criminal activity.

The conclusion is made that, given the substantial similarity of disposition of the Art. 307 and Art. 309 of the Criminal Code of Ukraine and the need for their unification in the context of age differentiation of juvenile as accomplice of drug-related crimes, there is a need for an

adjustment of the relevant provisions of the studied articles. Thus, it is proposed to complement Part 2 of Art. 309 of CC of Ukraine inserting the legal structure “with involvement of a juvenile” after the words

“by Articles 307, 308, 310 and 317 of this Code, or”. At the same time, in Part 3 of the Art. 307 of CC of Ukraine it seems relevant to provide the concept of “minor” instead of the concept of “juvenile”.

I. Mykhalko
Candidate of Law Sciences,
Research Fellow,
Penal Legislation Research Sector,
Academician Stashis Scientific Research Institute
for the Study of Crime Problems,
National Academy of Law Sciences of Ukraine

DETERMINATION OF PRINCIPLES OF THE POLICY IN THE SPHERE OF EXECUTION OF CRIMINAL PUNISHMENTS

Theoretical issues of legal policy and its principles in general have been the subjects of researches of many theorists and representatives of various legal sciences. However, there are not enough developments on the policy in the sphere of execution of criminal penalties and the definition of its principles. Among Ukrainian and foreign scientists, who developed the policy in the sphere of execution of criminal punishments, can be distinguished such authors as I.H. Bohatyrev, O.M. Dzhuzha, V.M. Dremin, S.M. Zubarev, O.I. Zubkov, K.M. Karkovkina, O.H. Kolb, V.V. Kondratishina, O.V. Lysodied, O.S. Mikhlin, N.N. Ol'shevskaya, L.B. Smirnov, A.K. Stapaniuk, M.O. Struchkov and others.

It is highlighted that science of penal law clearly indicates the elements of its structure: strategy of policy, goals and

tasks, principles, main directions and methods of activity of the institutions of execution of criminal punishments. However, the scientific doctrine still has not formed a clear approach to the definition of “principle of the policy” and the system of principles underlying the policy in the sphere of execution of criminal punishments.

In the research the definition of policy as a strategy of the state activities in the sphere of execution of criminal punishments as a wide comprehensive phenomenon with many different components is given.

In the article the definition of “principles of the policy” and “principles of legislation” are examined. It is concluded that this definitions do not coincide with each other, because, firstly, they differ in content, and, secondly, they