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AGGRAVATION OF PUNISHMENT AND ITS APPLICATION AS A METHOD TO COUNTERACT THE CORRUPTION IN MODERN CONDITIONS IN UKRAINE

Close connection of the organized crime with a corruption is a significant barrier in development of the legal state, which prevents strengthening of its institutions, influences rights and legal interests of its citizens.

Every state counteracting criminality uses the arm of the law not only as instrument of punishment of criminals but also as prevention of their criminal activity. At the same time, power of the law in the state must be so obvious, that a criminal must have no doubt in relation to impossibility to avoid punishment. When society and state require counteracting corruption as active as possible, the use of the arm of the law is a considerable instrument of the state.

By the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine to Harmonize the National Legislation with the Standards of Criminal Law Convention on Corruption” of April 18, 2013 actions of official person regarding acceptance or promise to grant an illegal benefit is really considered to be criminal, and responsibility for corruption increases.

The attention should be paid to the fact that measure of punishment for the commission of this crime is graver, than it used to be in a previous version

of the law regarding receipt of bribe. In practice there will be problems with proving not only fact of accepting or promising to give an illegal benefit to a person but also with establishment of size of illegal benefit in certain cases.

For the repeated grant of illegal benefit, and its provision to the person that occupies responsible or especially responsible position the legal responsibility remains the same.

According to the data of High Specialized Court of Ukraine for Civil and Criminal Cases contained in the Analysis of Criminality in Ukraine for 2012, almost 2,000 facts of receipt, grant and provocations of bribes are educed, which is 32,3% less compared to the same period of the last year.

Analyzing the abovementioned statistical data, we see that law enforcement authorities annually register and courts examine approximately the identical amount of crimes of a receipt or grant of illegal benefit with insignificant lap (about 3%) that specifies certain negative stability of conduct of this crime in the state, regardless of the envisaged measure of punishment. It should be noted that the basic category of persons brought to criminal responsibility for the indicated crimes consists in official persons of lower and middle

level. Aggravation of responsibility for a certain crime is not able to bring to reduction in the number of cases, and will not influence its extent.

Courts often apply punishment for corruption in form of imprisonment and fine. Custodial restraint is the least widespread. Often enough courts appointed lighter punishment, than statu-

tory provided.

We hope that next to aggravating responsibility, the state will pay considerably more attention to other methods of counteracting corruption, in particular will form the clear mechanisms of realization of rights for citizens, that will assist the removal of grounds for corruption.