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ENSURING COMPLIANCE WITH LAWS ON SOCIAL PROTECTION OF JUVENILE OFFENDERS BY THE PROSECUTOR

Article 46 of the Constitution of Ukraine stipulates that citizens have the right to social protection that includes the right to provision in cases of complete, partial or temporary disability, the loss of the principal wage-earner, unemployment due to circumstances beyond their control and also in old age, and in other cases established by law.

According to the Criminal Procedure Code of Ukraine, the State respects and protects the rights, freedoms and legitimate interests of prisoners, provides the necessary conditions for their corrections and re-socialization, social and legal protection and personal safety.

According to Art. 1 of the Law of Ukraine "On Bodies and Services on Affairs of Minors and Special Establishments for Minors", implementation of social protection of minors and prevention of offenses is the competence of special educational institutions of the State Penitentiary Service of Ukraine.

It is necessary to start inspection with local authorities, guardianship and custodianship agencies requesting information about the minor who is in a correctional facility.

It seems expedient to read the legal framework which ensures social security of juvenile offenders.

Before the inspection it is advisable

to get acquainted with the results of previous inspection, information on submitted acts of prosecutor's response, results of their review, the measures taken to eliminate violations of the law, renewed rights and bring offenders to justice, as well as other documents submitted to the prosecutor about the institution (statements of citizens, public officials, information of governmental bodies, statistical data, etc.) or information in the media.

Through checking compliance with legislation aimed at social protection of juvenile offenders, it is expedient to learn the personal criminal records of such individuals. Particular attention should be paid to the presence in the personal criminal records of juveniles of:

– information on the composition of their families (parents, persons in loco parentis, siblings, etc.), education, health status, place of study (work) and residence (registration), etc.;

– evidence of the right to a pension, public assistance, alimony payment, receipts of payments and responses of administration of penal institutions in cases of evasion of alimony payments by parents;

– court judgments on recognition of the parents or one of them missing or

dead, documents on measures taken for their location;

– judgments on the grant of appropriate status to the child – status of orphan, disabled child or child deprived of parental care and grant of social assistance, pensions and alimony payments;

– the documents confirming that the administration took steps to grant and receive social assistance, pensions, alimony payments, temporary subsidy for children whose parents refuse to pay alimony payments, are unable to support the child or whose place of residence is unknown.

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THE CATEGORIES "PURPOSE" AND "EXPEDIENCY" IN CRIMINAL LAW OF UKRAINE

The article is devoted to the research of categories "purpose" and "expediency" in criminal law. Based on the analysis of legislation and scientific literature we suggested a definition of the purpose of criminal law and established the relationship between the purposes and objectives of criminal law. The article reveals the concept of expediency of criminal law.

Any area of law has its own specific purposes. Criminal law is no exception. The immediate purposes of criminal law are objectives embodied in the Criminal Code of Ukraine. The purposes of the criminal law, as well as any other objectives are achieved by certain means of criminal law. The means of criminal law to be understood in a broad sense, that is, each rule of criminal law is a mean to achieve certain purposes of criminal law. Quite a number of the dispositions of

the regulations, including the Criminal Code of Ukraine, are designed in such a way that they cannot be used without discretion or explanation. The enforcer has to choose a solution that would better reflect the matter of the statute and its purpose. The lawmaking activity includes the area of criminal law. In this regard, in each case, there is a need to choose such decision in lawmaking and enforcement activities that would help to achieve the outcome confirming with purposes of criminal law. This is the expediency of criminal law.

The expediency of criminal law should be understood as a choice of ways in lawmaking and enforcement activities in accordance with the purposes of criminal law and the specific mechanism of development of society and the state (where place and time should be taken into account).