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THE INSTITUTE OF CRIMINAL OFFENSES IN THE CONTEXT OF THE INTEGRATION OF NATIONAL LEGISLATION WITH THE EUROPEAN STANDARDS

Approval the Concept of the Reform of Criminal Justice in Ukraine, adoption of the Criminal Procedure Code of Ukraine and submission to the Verkhovna Rada of Ukraine the Draft of Law of Ukraine from March 3, 2012 № 10146 «About modification to the Criminal Code of Ukraine concerning the introduction of institution of the criminal offenses» brought the problem of the introduction in criminal law of Ukraine the institute of criminal offense at the level when from it depends on not only the practice of application of law but the legal system of Ukraine in general.

There were summarized approaches, which are submitted in the scientific literature, to address issues of criminal misconduct. It was found that most experts in the field of criminal law tend to the development and adoption of the Code of Ukraine concerning criminal offenses as a separate statute. The part of supporters of the latter solving of the problem believe that the rules of proposed Code must resolve as organizational and legal question and also question of substantive and procedural law. It is also proposed to introduce to the system of justice the

magistrates who, in particular, will be dealing with the consideration of the issues which concerning liability for the actions, which will be recognized as a misconduct.

The author concluded about the feasibility of predicting in the Ukrainian legislation of several types of illegal acts: administrative offenses, criminal offenses, crimes.

The delineation of such unlawful acts advisable to make based on such criteria as degree of harm caused by them to social relationship, type of the object of offense, subject of the jurisdiction, the severity and type of sanctions which provide for their commission, the person, who committed the offense.

So, the introduction of the institute of criminal offense is able bring together the national legislation about the criminal liability with the legislation of the European Union, however requires further work at the conceptual level based on achievements of modern science of criminal, criminal procedure and administrative law, and trends of humanization of legislation of Ukraine about criminal responsibility.