**Berezovskaya N.L.**

Candidate of juridical sciences, Assistant Professor of criminal law,

Process and criminalistics department,

National University “Odessa Law Academy”

**CHANGES IN SECTION II OF THE CRIMINAL CODE IN CONNECTION WITH THE INTRODUCTION OF A CRIMINAL OFFENSE**

**Summary.** In the article on the basis of provisions of the Criminal Code, the Code of Administrative pravonasheniyah proposed a new version of the section XV of the General Part of the Criminal Code, the changes are consistent with other sections of the Criminal Code, not fundamentally different from the existing, show types of criminal offenses, liability.

**Keywords:** criminal offenses, offenses, penalties.

**Formulation of the problem.** November 19, 2012 entered into force the new Criminal Procedure Code of Ukraine [1], which requires a decision about the introduction of criminal law criminal offenses.Installation of criminal misconduct requires consideration not only the general provisions regarding its definition, but also reform almost all institutes of criminal law. Are changing, and part II of the General Part of the Criminal Code of Ukraine. The purpose of the article - suggest wording of section II of the General Part of the Criminal Code of Ukraine, which would correspond to the realities that have emerged. Presentation of the material. Objectionable paragraph 7 of Part 1 of Art. 3 Code of Ukraine, concerning the definition of key terms, namely, the Law of Ukraine on criminal responsibility, which according to the provisions of the Code are legislative acts of Ukraine to establish criminal responsibility (Criminal Code of Ukraine and the Law of Ukraine on criminal misdemeanors). Basic research conducted in the establishment of criminal offenses, demonstrate the need grouping of crimes and criminal offenses in a single legal act - Criminal Code of Ukraine or, as in the bill - Penal Code. Honored Lawyer of Ukraine, Professor NA Miroshnichenko notes that "... the problem of criminal misconduct must be addressed in the context of the current Criminal Code of Ukraine" [2, 49]. Agree that if they unite crimes and criminal offenses in a single legal act, then it should be Criminal Code of Ukraine. This also logically follows from the application form - Criminal Procedure Code on the content - of the Criminal Code. In addition, the consolidation of crimes and criminal offenses in a regulatory legal act will contribute to the actual division of criminal offenses. Analysis of current Penal Code Ukraine [3] and the Code of Ukraine on Administrative Offences [4] leads us to possible ways of forming the provisions of the Criminal Code of Ukraine concerning establishment of new regulations that would reflect and crime, and criminal misdemeanor; establish responsibility for him - crimes and criminal offenses may be combined term criminal offenses - responsible for criminal offenses can be expressed in punishment and penalties. Given the proposed provisions, Section II of the General Part of the Criminal Code of Ukraine may be as follows (for convenience on the left side of the table is a current version of section):

*The current version of section:*

Part II Law on criminal liability Article 3. Ukraine's legislation on criminal liability1. Ukraine's legislation on criminal liability of the Criminal Code of Ukraine, which is based on the Constitution of Ukraine (254k/96-VR) and the generally recognized principles and norms of international law.2. Laws of Ukraine on criminal responsibility adopted after the entry into force of this Code, are included after their enactment.3. Criminality and its punishment and other penal consequences determined by this Code.4. Application of the law on criminal liability similar prohibited.5. Laws of Ukraine on criminal responsibility shall comply with the provisions contained in international treaties ratified by the Verkhovna Rada of Ukraine.Article 4. The validity of the law on criminal liability in time1. The law on criminal responsibility shall take effect ten days after its official promulgation, unless otherwise provided by law, but not before the date of publication.2. Crime and punishment, as well as other penal consequences of an action are determined by the law on criminal liability as at the time of the commission of the act.3. Sometimes the offense the commission recognized entity under the law on criminal liability action or inaction.Article 5. Reverse action law on criminal liability in time1. The law on criminal responsibility, abolishing criminality, mitigates criminal liability or otherwise improving the situation of persons has the opposite effect in time is applied to persons who committed the offense before the entry into force of this law, including persons serving sentences or served their sentences but have a criminal record.2. The law on criminal responsibility, establishing criminality, increases criminal liability or otherwise affects the position of the person does not have retroactive effect.3. The law on criminal responsibility, partly mitigates criminal liability or otherwise improving the situation of persons and partly increases criminal liability or otherwise affects the status of the individual, has the opposite effect in time only to the part that mitigates criminal liability, or otherwise improving the position of persons.4. If, after a person committing offense under this Code, the law on criminal responsibility changed several times, the opposite effect in time is the law that abolishes criminality, mitigates criminal liability or otherwise improving the situation of the individual. Article 6. The validity of the law on criminal responsibility for crimes committed in Ukraine

1. Persons who committed crimes on the territory of Ukraine shall be criminally liable under this Code.

2. Offense is committed on the territory of Ukraine if it was started, completed or terminated in Ukraine.

3. Offense is committed on the territory of Ukraine if his agent or at least one of the accomplices acted on the territory of Ukraine.

4. The issue of criminal liability of foreign diplomats and other citizens under the laws of Ukraine and international treaties ratified by the Verkhovna Rada of Ukraine, are not defendants in the criminal courts of Ukraine, if they commit a crime on the territory of Ukraine resolved diplomatically way.

Article 7. The validity of the law on criminal responsibility for crimes committed by citizens of Ukraine or stateless persons outside Ukraine

1. Citizens of Ukraine and stateless persons permanently residing in Ukraine who have committed crimes abroad, shall be criminally liable under this Code, unless otherwise provided by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

2. If the persons mentioned in the first part of this article, for the crime were sentenced outside Ukraine, they can not be held in Ukraine to justice for these crimes.

Article 8. The validity of the law on criminal responsibility for crimes committed by foreigners or stateless persons outside Ukraine. Foreign citizens or stateless persons not residing permanently in Ukraine who have committed crimes abroad, subject to Ukraine liability under this Code in cases stipulated by international agreements or if they have committed any grave or especially grave crimes against the rights and freedoms of citizens of Ukraine or Ukraine's interests.

Article 9. Legal consequences of conviction outside Ukraine

1. The verdict of a foreign country can be taken into account if a citizen of Ukraine, foreigner or a stateless person had been convicted of an offense outside Ukraine, and again committed a crime on the territory of Ukraine.

2. According to the first paragraph of this article recidivism, nevidbute punishment or other legal consequences of the verdict of a foreign country included in the classification of a new crime, sentencing, release from criminal liability or punishment.

Article 10. Issuance person accused of a crime and the person convicted of the offense

1. Citizens of Ukraine and stateless persons permanently residing in Ukraine who have committed crimes outside Ukraine can not be extradited to a foreign state for criminal prosecution and committal for trial.2. Aliens who have committed crimes in the territory of Ukraine and convicted them under this Code, may be transferred to serve his sentence for the crime that State of which they are, if such transfer is provided by international treaties of Ukraine.3. Foreigners and stateless persons who permanently reside in Ukraine who have committed crimes outside Ukraine and staying in its territory, can be extradited to a foreign state for criminal prosecution and committal for trial or sent to serve his sentence, if such issuance or transfer provided for in international treaties of Ukraine.

*The proposed wording of section*

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Conclusions. These changes are not radically different from the existing, reflecting types of criminal offenses responsibility for them.

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**Березовская Н.Л. Изменения раздела ІІ Уголовного кодекса Украины в связи с введением уголовного проступка**

**Аннотация.** В статье на основании положений действующего Уголовного кодекса Украины, Кодекса Украины об административных правонашениях предложен новый вариант раздела XV Общей части Уголовного кодекса, изменения которого согласуются с другими разделами Уголовного кодекса; не кардинально отличаются от ныне действующих; отображают виды уголовного правонарушения, ответственности за них.

**Ключевые слова:** уголовные правонарушения; проступки; взыскания.

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