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**THE FORMS AND PRIORITY DIRECTIONS OF CRIMINAL AND LEGAL POLICY OF UKRAINE.**

**Summary.** The article is devoted to the relevant issue of state policy in the combat against crime. It discusses the main forms of implementation of criminal and legal policy. Special attention is paid to the characteristics of its priority directions.

**Keywords**: criminal and legal policy, criminal law, crime, strategy and tactics of combat against crime.

**Formulation of the problem.** Fighting crime, being an integral part of domestic policy designed to achieve the desired outcome for society, requires a broad and a complex combination of organizational, legal, administrative and management (a manifestation of the will of the state), socio-economic, cultural, natural human (development of social and person), especially the legislative, legal and criminological methodological measures against crime as a whole, and with its individual species. In this part of the system-state crime policy is its criminal law area, one of the main forms of implementation of the legislation, which the Criminal Law that defines the criminality of the act, and it is punishable and other criminal action committed socially dangerous acts. However, the implementation of the policy of the state in the fight against crime law on criminal liability is not limited. Other form of policy implementation also supports the development and adoption of strategies, concepts, programs and plans to combat crime. Thus, in recent years Ukraine has quite actively adopt national strategies, which are common, no-detail action plan to combat crime, a sufficiently long period of time (5 to 10 years). In particular, one of the priorities of the state to create an effective system of prevention, identify its causes and conditions, the negative impacts of the adoption of the National Anti-Corruption Strategy for 2011-2015. [1].In addition, under active discussion remains a draft National Strategy on Drugs for the period up to 2020 [2], which aims to define a set of basic provisions of the unified state policy in the fight against drugs in Ukraine for the period up to 2020 and the adoption of the subjects combating drug trafficking effective measures to reduce illicit drug supply, demand and harm reduction of drug use. Fairly common form of expression of state policy and the concept is to combat crime (both in general and with its individual species). For example, in Ukraine to date operating concept of state policy in the field of crime prevention for the period up to 2015 [3], the concept of public policy in the fight against organized crime [4], for the period from 2012 to 2017., Concept development of criminal justice in the juvenile in Ukraine in 2011-2015. [5], etc. This type of policy document embodies the basic idea of ​​leadership that reflects the best way to resolve a problem in the fight against crime, and, in contrast to the strategy, designed for a short period time (typically 3-5 years).Presentation of the basic material. Implementation mechanism set out in the strategy and vision guiding ideology finds direct expression in the adoption of relevant government programs and plans of action in the fight against crime, which include concrete measures to implement the strategy set out in the (concept) of the problems, the timing of their implementation, the amount and sources of funding, expected results, the principal investigators. The first such program in the Ukraine became a state program to combat crime, which was adopted June 25, 1993 for a period of 3 years [6]. She became the original legal act for the planning of the various actors in the fight against crime, initiating the development of future programs in this area [7, 8, 9], which nevertheless differed not only their names, content and direction, but also order of their development, acceptance and approval. This situation has led to the adoption of the following the law "On the state target programs" on March 18, 2004 [10] and the relevant resolutions of the Cabinet of Ministers of Ukraine "On approval of the design and execution of the state target pro-gram "of 31 January 2007 [11], which allowed to unify public policy programming to combat crime and, therefore, contributed to strengthening the process of making state programs to fight crime as a whole and its individual manifestations.In particular, only in recent years in Ukraine, the State Programme for the prevention and combating corruption in 2011-2015. [12] The action plan to implement the concept of the state policy in the sphere of combating drug use, combating illicit trafficking in narcotic drugs, psychotropic substances and precursors in 2011-2015. [13] Action Plan for the implementation of the concept of public policy in the fight against organized crime for the period 2012-2017. [14] Action Plan for the implementation of the concept of criminal justice in relation to minors in Ukraine for the period 2011-2015. [15]. In addition, based on the state programs is actively accepted and relevant regional programs to combat crime - regional, city and district. Organization fighting crime requires not only strategic but also tactical decisions. As a rule, a tactic to combat crime associated with enforcing the law as regards the practical use and efficient application of the law on criminal liability law enforcement and judicial authorities. It is this aspect of criminal law policies are most clearly reflects the will of the state on the fight against crime in the first place with those of its manifestations, which have a special resonance for negative society at a particular stage of development. If the law-making implement their strategic objectives to combat crime, the law enforcement - tactical. However, the low efficiency of the application of certain rules of law on criminal responsibility (or even lack of them) makes it necessary to change not only the institutional and administrative and management interventions on crime, but also to make dramatic changes in the law, up to a failure to recognize some criminality. A good example of the change in strategy and tactics to combat economic offenses may serve as the Law of Ukraine on November 15, 2011 "On amendments to some legislative acts of Ukraine on the humanization of responsibility for violations in the sphere of economic activities ", which included substantial changes to Title VII of the Criminal Code of Ukraine" Crimes in economic activity ". [16] 16 acts previously recognized criminal, for this-Cohn had been transformed into the administrative misdemeanors punishable. Also made changes to the sanction of the majority rules that were in this category. The legislator clearly preferred financial sanctions, replacing punishment with a fine relating to the restriction or deprivation of liberty or by increasing the limit of the amount of fines in the sanctions, where the punishment was provided with a simultaneous rejection of other alternative punishments. Of particular relevance to the community on various stages of development becomes the definition of public policy priorities in the fight against crime. The formation of Ukraine as an independent state in the early 90's of the XX century. characterized by a sharp increase in violent crime, property crime and economic crime. Significant danger to the public presented organized crime and corruption. Now becoming more common as a crime in the area of ​​information security innovation, drug crimes, terrorism-related, etc. This situation led to the adoption of a number of specific legislative, organizational, legal, and administrative and management measures aimed at strengthening the fight against crime and corruption. So, to prevent danger to the Society of trafficking in Ukraine in 1998 became the first post-Soviet states has recognized the phenomenon of serious crime. [17] Since the adoption of the law on criminal responsibility (Article 1241 of the Criminal Code 1960, Art. 149 of the Criminal Code in 2001) traces the rapid dynamics in the number of criminal cases for these items, from 2 reported cases of human trafficking in 1998 to 419 such incidents in 2005 (the highest at the time of application of Art. 149 of the Criminal Code). In this case, along with the law on criminal liability, a number of national and departmental documents aimed at advancing the fight against human trafficking and prevention of this phenomenon [18, 19]. Promptly implemented measures, the criminal policy of the state to combat trafficking in persons has acquired a targeted reduction and sustainable. This is also confirmed these statistics from the Ministry of Ukraine, according to which in the last three years the number of reported cases of human trafficking has decreased. If in 2009 on the grounds of a crime under Art. 149 of the Criminal Code, there were 279 socially dangerous acts, in 2010 the number was 257, and in 2011 - 197. A 13.5% decrease in the number of crimes committed in the first half of 2012 (compared to the same period in 2011).One of the major manifestations of the negative impact of crime on the economy of Ukraine is striving GOVERNMENTAL organized criminal groups and numerous representatives of the shadow economy to legalize proceeds derived from criminal activity. Despite the evidence of the social danger of legalization (laundering) of proceeds from crime in Ukraine combating this phenomenon criminal remedies unfolded slowly. To accelerate the process significantly influenced international a convention on these issues, the binding of which was in Ukraine the Verkhovna Rada of Ukraine. After May 1, 1998 in Ukraine came into force, the Convention of the Council of 8 November 1990 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, were implemented organizational and legal measures to combat this phenomenon. However, as to the law on criminal liability, it is only with the entry of September 1, 2001 of the new Criminal Code in Ukraine to operate the law on criminal responsibility for the legalization (Laundering) of proceeds from crime (Article 209). Its application in the early years of the UK in 2001 showed that it was used with a lack of understanding of public danger under the offenses. Criminal proceedings are usually brought perpetrators of minor predicate offense or received income legally, but to avoid paying taxes. It is no coincidence, Western experts FATF (the Financial Action Task Force of money) paid attention to this fact, emphasizing the lack of effort on the part of Ukraine to combat the laundering of proceeds of crime. Following the recommendations of FATF in late 2002 - early 2003, a number of laws aimed at strengthening the fight against this type of economic crimes and to increase legal sanctions for non-compliance to prevent the legalization (laundering) of proceeds from crime. And this caused some changes in the Criminal Code and the Code of Criminal Procedure in 2003The use of financial, economic, organizational, and administrative and criminal law has given leverage measures against the legalization (laundering) of proceeds from crime, complex character. Acute problem for the Ukrainian society is corruption. Since the mid 90s, the fight against this socially dangerous phenomenon attracted attention from the government and the public. October 5, 1995 was Law of Ukraine "On combating corruption." Since then, Ukraine has consistently moved towards the development and implementation of anti-corruption measures, which were institutionalized in numerous laws and regulatory acts, concepts and programs, the creation of special state agencies with authority in the fight against corruption. As a result, achieved a certain step up the fight against corruption, although its effectiveness is still quite low. According to the international organization "for transparency International», Ukraine is a country with a high level of corruption (for example, in 2009, our state took 146 out of 180 countries surveyed by the organization, in 2010 - 134 out of 178 countries). An analysis of the laws and regulations that are used to fight corruption, suggests that the ineffectiveness of their embodiment in law enforcement due to incorrectly selected direction combat the anti-social phenomenon, since the center of gravity of this struggle has been moved from the criminal acts of administrative offense. Therefore, despite some improvement in 2010 quantitative corruption, much of the most dangerous for the national security of corruption remained "hidden" from the public, which ultimately affected the assessment of corruption in 2011. Ukraine in terms of «Transparency International» ranked 152nd out of 183 countries in the world. Specificity of anti-corruption and overcome the phenomenon as a system needs first to establish legal and regulatory measures covering various areas of law: civil, financial, economic, administrative, etc. In addition, these measures require active efforts to the formation of anti-corruption awareness population using all means of civil society. Only such a comprehensive approach to the fight against corruption is the most appropriate and needs further comprehensive development. April 7, 2011 the Verkhovna Rada of Ukraine adopted laws" On Principles of Prevention and Combating Corruption" and "On amendments to some legislative acts of Ukraine concerning liability for corruption offenses" [20, 21], which are more accurately, clearly, consistently and systematically to address many issues in the area of ​​prevention of corruption offenses, including corruption-related crimes. Most of the provisions of these laws came into force on 1 July 2011, a number of articles - from 1 January 2012.According to experts of international organizations acting legislation of Ukraine in the fight against corruption is a good standard, and in this sense, Ukraine - one of the leading countries. Indeed, the new anti-corruption legislation allows for a comprehensive approach to combating corruption, which calls for coordination, criminal, administrative and civil remedies. In addition, as noted by the prosecutor of Dnipropetrovsk region, N.V. Marchuk, "only with the new anti-corruption laws and regulations fixing the mandatory dismissal of corrupt officials managed to eradicate the practice, when bringing to administrative responsibility corrupt continued to work on the position they hold, "[22]. In spite of this (according to international estimates), the situation in Ukraine, corruption has not changed. In the published regular annual ranking conducted for transparency International, Ukraine in 2012, took 144 place among 176 countries and scored only 26 points out of a possible 100. Reasons for this, in our opinion, lie not so much as the law, but in the plane of its practical application. In addition, it took too much time from the entry into force of the law to be able to objectively evaluate the effectiveness of their implementation. First of all, we should accept the fact that one of the most urgent problems of the fight against corruption in Ukraine remains weak regulation of the financing of political activities. The lack of rules on transparency in the financing of political parties and the lack of enforcement of the campaign finance individual candidates to massive corruption in the political system. High enough to still the level of corruption among public officials and officials of state enterprises, institutions, organizations, and local governments, although, according to prosecutors, some positive changes in the results of the work of law enforcement agencies in the fight against corruption manifestations yet occurred (if in 2002 year average amount of bribes was only identified in 1100 hryvnia, today it is more than 25 thousand hryvnia). [22] There are many other weaknesses of the state policy in the fight against corruption. However, in assessing its condition, you should not ignore the fact that foreign analysts estimate the level of corruption is not always sufficiently objective. According to the Deputy Minister of Justice of Ukraine, international experts in the preparation of such reports, it does not always take into account the objective data and refer to the tabloids and gossip, not relying on the specific evidence that demonstrates ignorance Ukrainian reality. [23] This however does not justify the current situation in Ukraine in the fight against corruption. It seems that one of the ways to resolve this situation should be to strengthen the fight in the first place to the offenses, not only with minor offenses of corruption. In addition, requires further improvement legislation aimed at regulating the financing of political activities in order to minimize the impact of socio-economic and political factors contributing to corruption. It is also necessary to develop an effective mechanism to respond to report instances of corrupt practices and at the same time ensure adequate protection of persons reporting on such events [23], in order to prevent harassment in the workforce and in society in general.

**Output.** Thus, the task of penal policy is not limited to the quality and effectiveness of the criminal law responsibility. Despite that is criminal law area has a system of different value on the importance of public policies in the fight against crime (criminal procedure, criminal enforcement, criminological), achieving the desired result for society is only possible through an integrated combination of institutional, administrative, managerial, social, economic, cultural, criminological and other control measures as crime in general, and with its individual species.

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**Борисов В.І. Форми та пріоритетні напрями кримінально-правової політики України**

**Анотація.** Стаття присвячена актуальному питанню державної політики у сфері боротьби зі злочинністю. У ній розглядаються основні форми реалізації кримінально-правової політики, а також окрема увага приділяється характеристиці її пріоритетних напрямів.

**Ключові слова**: кримінально-правова політика, закон про кримінальну відповідальність, злочинність, стратегія і тактика боротьби зі злочинністю.

**Borysov V.I. The forms and priority directions of criminal and legal policy of Ukraine**

**Summary.** The article is devoted to the relevant issue of state policy in the combat against crime. It discusses the main forms of implementation of criminal and legal policy. Special attention is paid to the characteristics of its priority directions.

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