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THE CONCEPT AND ESSENCE OF THE PRINCIPLE OF JUSTICE IN THE CRIMINAL LAW OF FOREIGN COUNTRIES

The principle of justice lies in the equal legality of conduct and in strict conformity with the legal liability of the offender. It is reflected in the content of the law, has an appraisal character and is expressed in rights and obligations, measures of promotion and punishment, etc. All branches of law are trying to realize the foundations of justice in their regulated social relations. The whole legal system stands at the guard of justice, serves as a means of its expression.

Even in the XIX century the German scientist, Rudolf von Iering, in his paper entitled «The Purpose of the Right», considered the idea of justice as «a balance between the act and the consequences for the person who committed the act, that is, between the evil thing and the punishment, between good deeds and reward. At the same time, Iering linked justice not only with punishment, but also with the interests of society. Justice should be based on the interests of the whole of society as a whole, as well as of a separate personality.

In our opinion, justice is a moral and legal category. Moral norms, the ideas of natural law, the values of human civilization in

general, breaking into the legislator's sense of justice, are expressed in legal norms that imply legal liability.

In many codified criminal-law acts of foreign law, the principle of justice is not directly enshrined, but has been reflected and provides that when appointing a sentence should take into account the circumstances of the crime and the perpetrator. However, the punishment can be considered fair if it meets the moral norms imposed by the culture, traditions of society. The fairness of material norms is evaluated and presented by the law of legal families in different ways.

The principle of justice, in accordance with the UN Charter, is the key idea underlying the peaceful settlement of international disputes. Thus, the UN Charter considers this principle as a philosophical category of social and legal consciousness that evaluates social activity from the point of view of morality.

In the Criminal Code of Switzerland, the principle of justice is reflected in the section «Appointment of punishment». In Art. 63 states: «The judge determines the amount of the punishment according to the fault of the person; he takes into account the motivating motives, the previous life and personal relations of the accused».

In the Criminal Code of France, the principle of justice is formulated in Art. 132-24 (chapter «Penitentiary»): «The court appoints a punishment and determines the mode of its execution, depending on the circumstances of the criminal act and the person of the executor. When imposing a fine, the court determines its size, taking into account the incomes and expenses of the offender «.

In the Model Criminal Code of the Commonwealth of Independent States, the principle of justice was reflected in the following wording: «Penalties and other measures of criminal law applicable to a person who committed a crime should be fair, that is, to conform to the gravity of the crime, the circumstances of his commission and the person guilty...»

Thus, the principle mentioned above is fixed at the level of generally recognized international documents and is manifested predominantly in the norms of the articles of the Criminal Code, which determine the procedure for the imposition of penalties for the commission of crimes. At the same time, in our opinion, it is

necessary to develop and consolidate the definition of this principle in order to uniformize the practice of its application.

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**REGULATORY LEGAL PROTECTION AGAINST TRAFFICKING
OF HUMANS**

The process of transforming the legal system of Ukraine into a system that is consistent with generally accepted ideas about a fair and democratic state and legal system is currently not complete. An important role in this process is played by the development and strengthening of the Institute of Human Rights, especially the most important personal rights.

The Universal Declaration of Human Rights states that every person has the right to life, freedom and personal integrity (Article 3); no one should be in slavery or in a subordinate state; slavery and slavery are prohibited in all their forms (art. 4); no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5) [1].

The prohibition on the use of slave labor and the slave trade is formalized by the most important acts of the international community - the Universal Declaration of Human Rights, 1949, the International Covenant on Civil and Political Rights, 1966, the International Covenant on Economic, Social and Cultural Rights, 1966, the Convention on the Rights of the Child, 1989, Convention on the Elimination of All Forms of Discrimination against Women, 1979.