

necessary to amend article 258-4 of the Criminal Code of Ukraine and establish responsibility for the preparation of a person for the purpose of committing a terrorist act.

Thus, the implementation of the Convention and the Additional Protocol to it in criminal law needs to be corrected and improved.

List of references

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SOME PROBLEMS WITH THE USE OF AMNESTY IN UKRAINE

Law of Ukraine «About the use of amnesty in Ukraine» dated 01.10.1996 № 392/96 in Art. 1 determines that an amnesty is a partial or partial exemption from the commission of a particular category of offenses, who have been guilty of committing crimes or criminal cases which are considered by the courts, but the sentences against these persons have not been valid. It does not abrogate the punishment of certain acts, but only in relation to the well-established categories of persons, it abandons the denial of criminal prosecution. However, the purpose of the amnesty is not only the release of a certain number of people from the punishment, but also the demonstration by the state of the implementation of the principles of economy of criminal repression and humanism. However, as rightly pointed out by S. G. Kelin and V. M. Kudryavtsev, humanism in relation to the perpetrator is impossible without humanism in relation to the victim, witness, and all other persons involved in the orbit of the criminal process [1, p. 131]. On this basis, it is logical to ask whether it is necessary to take into account the opinion of the victim in the release of a person under the amnesty, and whether the reimbursement of the harm to the victim can

be one of the conditions for the release of a person. In this regard, there are many disputes in criminal law, and there is no clear answer yet.

The state guarantees the victim protection of their rights and interests. The opinion of the victim, expressed in court debates, is important when a court decides on the appointment of a particular type and the amount of punishment, the possibility of exemption from punishment and his serving. Therefore, it seems advisable to give the victim the right to express in court the point of view as to how the application of an amnesty act is in line with his interests.

Amnesty should be aimed at balance of interests. In this case, the interests of convicts and their relatives - on the one hand, and victims - on the other. Such a balance of interests will be achieved if the priority right to get rid of the amnesty will be received by those who reimburse the damage caused by a crime (for example, article 127 of the Criminal procedure code of Ukraine). For example, A.A. Muzika and E.V. Lashchuk consider that compensation to the victim of the crime of harm should be made a mandatory condition for all types of exemption from criminal liability and exemption from serving a sentence with a trial [2, p. 87-88]. The same point of view is supported by I. I. Mitrofanov [3, p. 399-400].

At one time, the legislator, in an attempt to protect the interests of the victim in the application of the perpetrators of the crime, the act of amnesty (as one of the conditions for this type of exemption from punishment), put forward a claim for compensation for damage caused by a crime. Thus, the Law of Ukraine «On Amendments to the Law of Ukraine «About the use of amnesty in Ukraine « and Other Legislative Acts of Ukraine» of 2 June 2011. № 3465 provided that the amnesty can not be applied to persons who did not compensate for the damage they caused or did not eliminate the damage caused by a crime (item «is» Article 4). However, this norm lasted only a few years, and the Law of Ukraine «On Amendments to Some Laws of Ukraine on the Application of Amnesty in Ukraine» of 6 May 2014, № 1246 (item 2) was excluded from the Law of Ukraine «About the use of amnesty in Ukraine».

In our opinion, attention should be paid to the need for a more complete, real and effective enforcement of the rights of the victim in the release of the convicted person from punishment under the amnesty law.

It seems that the victim should be an integral part of the criminal process when considering the issue of the application of an amnesty, since the commission of a crime violated his legal rights and interests, which is the duty of the state to protect. Therefore, we consider it expedient to consolidate, at the legislative level, the duty to take into account the opinion of the victim and to compensate him harm caused by a crime in deciding on the application of an amnesty.

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CONCEPTS AND TYPES OF AUTHORITIES AS VICTIMS OF THREATS OR VIOLENCE AGAINST AN OFFICIAL OR A CITIZEN WHO PERFORMS PUBLIC DUTY

In the criminal law, the term «official» is given twice (in ch. 3 and 4, Article 18, as well as in the note to Article 364 of the Criminal Code of Ukraine), both in terms of content and scope of the criminal law to which they may be applied different. Their difference lies in fact that the first (Part 3 of Article 18 of the Criminal Code of Ukraine) covers the assignment of those persons who permanently or temporarily occupy positions in any enterprises, institutions or organizations related to execution of organizational and administrative or administrative and economic functions, while the second definition (clause 1 of the note to Article 364 of the Criminal Code of Ukraine), among other things, covers classification of only persons who permanently or temporarily occupy positions in «state or communal» enterprises, institutions or

organizations, related with implementation of organizational and regulatory or administrative and economic functions. Definition