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PECUNIARY PENALTY UNDER THE UKRAINIAN LEGISLATION

The formation of a truly democratic Ukrainian society and its further reform are inextricably linked to the strengthening of the legal basis of state and public life, the steady abide by the rule of law and order, and the effective combat against the criminal manifestations.

Punishments play the significant role during combating crimes, the use of which in many cases depends on the extent to which one or another of their kind will be adequate to the real social processes that characterize the modern Ukrainian state. Therefore, in the criminal law, the tendencies that are aimed at further democratization, humanization, wider use of the principles of guilty responsibility, differentiation and individualization are becoming increasingly clear.

An analysis of the criminal law in force and the practice of its application raise the conclusion that among of the criminal legal measures for combating crime, the pecuniary punishments (fines, correctional works, service restrictions for servicemen, confiscation of property) are the most important legal measures.

Historical experience and practice show that punishments and their system tend to be closely interrelated and interacting with the specific conditions and the era, the general way of the life of society, the economy and finances of the state, its sociopolitical system, the moral-ethical and legal views, customs and habits, as well as ideological stereotypes of the society.

The system of punishments changed depending on changes in the social, socio-political and economic systems, as well as because of relevant changes in ideology, politics, ethics, morals, in choosing the main ways, means and methods of combating crime.

For the first time in the legislation the notion of punishment was formulated in the Criminal Code of 2001. According to Part 1 of Art. 50 of the Criminal Code of Ukraine, punishment is a measure of coercion, which is applied on behalf of the state by a court sentence to a person convicted of committing a crime and consists in limiting of the legal rights and freedoms of the convicted person.

Punishment has the following characteristics: a) punishment is a measure of state coercion; b) the punishment is applied only on the sentence of the court; c) the punishment may be applied only to a person who has been found guilty of committing a crime; d) the application of penalties entails certain losses prescribed by law and restrictions on the rights and freedoms of convicts; e) the use of a punishment entails criminal records.

The Ukrainian criminal law provides for the twelve types of punishments, which form the system of punishments. The main features of the system of punishment are: a) it is established exclusively by a criminal law; b) it is exhaustive, closed; c) it is obligatory for the courts; d) it is characterized by the a correlation between types of punishment; e) it is built on the principle of «from the lightest to the most severe» punishments.

It should be noted that this range of pecuniary penalties is also defined in the international documents. In particular, UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), among the other types of punishments, include «economic sanctions» such as fine, corrective works, confiscation of property.

Punishments of pecuniary character are characterized by certain common features (basic and additional), the presence of which allow them to be identified in a separate group. The main feature, in particular, is that the main punitive element of these punishments is the restriction (fine, correctional work, service restrictions for servicemen) and the deprivation (confiscation of property) of the property rights of the convicted person. Additional features are: 1) when these sentences are applied, the convicts are not isolated from society and do not lose social and economic ties with it; 2) when these sentences are applied, more favorable conditions for re-socialization of convicts are provided, which, in turn, reduces the possibility of relapse of crimes. The absence of the isolation of the convicted person, the preservation of a certain social status, the application of certain restrictions to the convict, the preservation of his family relations and social relations, the preservation of his professional qualifications, economic, social and moral and psychological utility makes it possible to conclude that the category of persons sentenced to pecuniary punishments, have much more possibilities for re-socialization.

The indicated features of punishments suggest that the pecuniary punishments are the measures of state coercion prescribed by law on criminal liability which are applied by a court sentence to persons found guilty of committing a crime and consist in the limitation of the rights of convicts in accordance with law in order to satisfy their property interests.

Pecuniary punishments are of a preventive nature: they are aimed at preventing from committing new crimes, as well as committing crimes by other means. They are not intended for bullying, revenge, humiliation of human dignity, but to restore justice. Thus, the aim of pecuniary punishments is to influence the consciousness of the convicts by causing material constraints.

Pecuniary punishments of property shall be placed in the system of punishments in the following order: 1) corrective labor; 2) fine; 3) service restrictions for servicemen; 4) confiscation of property.

The above reasons suggest the possibility to change the sequence of normative fixing of punishments in their system: in subpara 1 para 1 of Art. 51 of the Criminal Code of Ukraine provide a punishment in the form of corrective labor, and in para 2 - a fine.

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**SUBJECTIVE SIDE OF ILLEGAL ACTIONS WITH TRANSFER
DOCUMENTS, PAYMENT CARDS AND OTHER MEANS OF ACCESS
TO BANK ACCOUNTS. ELECTRONIC MONEY, EQUIPMENT FOR
THEIR PRODUCTION**

Under the subjective part of a crime is understood its inner side, that is, the psychic activity of the person, reflecting attitude of her consciousness and will to committed socially dangerous act and its consequences [2, p. 129]. Proceeding from fact that the crime provided for in Art. 200 of the Criminal Code of Ukraine, has a formal composition, the definition of its socially dangerous consequences, the