

2005 - Terrorism in London and the death of Jean Charles de Menezes: On July 7, 2005, several London bombings took place in public transport. After some time, Jean Charles de Menezes was mistaken for a terrorist and shot dead.

2009 - Protests at the G20 summit and Jan Tomlinson's death: April 1, 2009 Jan Tomlinson died shortly after he was hit by a policeman. Subsequently, another policeman was suspended after having hit the woman twice.

Список використаних джерел

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CIRCUMSTANCES CONTAINING PENALTIES BY THE UKRAINE AND FOREIGN COUNTRIES LEGISLATION

The presence of mitigating circumstances indicates about lower degree of danger to the perpetrator and gives the court the grounds for imposing less severe punishment, that is, closer to its minimum, or the minimum punishment within the scope of the sanction of the article on which the offense is qualified. Therefore, it is right to establish these circumstances, to qualify the acts, and to ensure the correct application of the rules of law is a very important task. The mitigation of punishment can take place within the framework of one type of punishment or in the election of another, a more lenient form of punishment under an alternative sanction of the law. Involvement of persons guilty of a crime, to criminal liability is one of the means of combating crime. Punishment is the main form of the implementation of criminal responsibility.

The object is the circumstances that mitigate the punishment.

The subject is a comparative description of circumstances that mitigate punishment in Ukraine and beyond.

The aim is to establish the distinctive and similar features that categorize and determine the circumstances that mitigate the punishment.

In the theory of criminal law in defining the concept of mitigating circumstances, there is no unity of thought. It depends on how each author understands the issue of what the mitigating circumstances influence, that they mitigate guilt, responsibility or punishment. So, some authors call these circumstances "mitigating guilt", others - "mitigating punishment", others - "mitigating responsibility".

Consequently, the circumstances mitigating the punishment are different from the signs of the syllables of crimes and those stipulated by the norms of the General Part of the Criminal Code (or those which are not expressly provided for by these norms but established by the court), which characterize the crime and (or) the person of the perpetrator serve as grounds for imposing a less severe punishment and which court, in general rule, must take into account when sentencing.

Article 66 of the Criminal Code of Ukraine provides for the following circumstances that mitigate the punishment: appearance with confession, sincere repentance or active assistance in disclosing a crime; voluntary compensation for damage caused or elimination of the damage caused; Providing medical or other assistance to the victim immediately after committing a crime; committing a crime to a minor; committing a crime by a woman in the state of pregnancy; committing a crime as a result of coincidence of serious personal, family or other circumstances; committing a crime under the influence of threat, coercion or through material, service or other dependence; committing a crime under the influence of strong emotional anxiety caused by the unlawful or immoral actions of the victim; committing an offense exceeding extremes of necessity; execution of a special task on the prevention or disclosure of criminal activities of an organized group or a criminal organization, combined with the commission of a crime in cases provided for by the Criminal Code of Ukraine.

In order to maximally qualitatively compare the approaches to the institute to mitigate the penalties, the laws on criminal liability of States of different legal systems have been analyzed.

Mainly different approaches to the definition of the concept of circumstances that mitigate the punishment. Thus, the criminal codes of France and Switzerland determine the circumstances that mitigate the punishment, as well as the Criminal Code of Ukraine. And in the Republic of Moldova, the Republic of Latvia, Georgia - the CC determines the circumstances as mitigating the responsibility.

There is no single point-of-place approach that mitigates punishment in the system of categories used in sentencing.

Regarding the establishment of a clear list of circumstances that mitigate the punishment, he is present in the Criminal Code of not all countries. The circumstances mitigating the penalties are in separate provisions of the Criminal Code of the Republic of Poland and the Republic of Turkey. Mostly, in the legislation of many countries, this list is not exhaustive.

Together with the Criminal Code of Ukraine, the position of inadmissibility of reconsideration of the same circumstances includes the Criminal Code of Italy, the Republic of Latvia and Georgia.

Characteristic of the laws of the countries of the world is the institute of punishment in the presence of circumstances that soften it. These include the Republic of Poland, the Republic of Belarus, Kazakhstan, Georgia, the Republic of Moldova, Switzerland, Spain, the Republic of Latvia, and others.

Characteristic for the criminal legislation of foreign countries, the institution of the imposition of a more lenient punishment than prescribed by law. So in the Criminal Code of Spain, the Republic of Bulgaria, Austria, the Republic of Poland, in the presence of clearly defined grounds of law, the court was granted the right to impose a milder punishment than provided by law. Each law on criminal liability, these grounds are determined differently. However, in all of these Criminal Cases, one of the grounds for imposing a milder punishment than the law provides, is the existence or exceptional circumstances that determine one or several circumstances that mitigate the punishment or the existence of several circumstances that mitigate the punishment.

So, having analyzed the foregoing, we can conclude that the legislation of foreign countries regarding the approach to circumstances that mitigate the punishment is significantly different. Uniform definition of terminology, different content, different conditions of legality. However, the only and indispensable thing is that any circumstances that mitigate the penalties established by law or imposed by the court are based on generally accepted principles of respect for the honor, dignity and freedom of the individual. The latter means that the person who committed the crime, but due to certain circumstances, which reduces public danger, may not be subject to severe restrictions on the part of the state.

Список використаних джерел

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5. Criminal Code of Switzerland - M.: Zertsalo, 2000 – 138 p.
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