

The subject of the crime of Art. 357 general, however, the subject of possession of documents, stamps, seals by misuse of official position can only be a serviceman provided for in Part 4 of Art. 358

The main delimiting feature of the crimes provided for in parts 1 and 2 of Art. 358, committed in the form of forgery, manufacturing and marketing of certain objects, is the subject.

The subject of a crime provided for in Part 2 of Art. 358, is a special one: it is an employee of a legal entity of any form of ownership that is not an official; private entrepreneur; auditor; expert; appraiser; lawyer; notary; state registrar; the subject of state registration of rights; a person authorized to perform state functions regarding the registration of legal entities, individuals - entrepreneurs and public formations; state executor; private performer; another person who carries out professional activities related to the provision of public or administrative services

The subjective side of the crime is characterized by direct intent. Obligatory feature of the subjective part of the crime, stipulated in Part 1 of Art. 357, there is a motive - selfish or other personal interests are the purpose of their sale.

***Makarov Mark,**
Head of the Department of Criminal Process
of the National Academy of Internal Affairs,
Doctor of Legal Sciences
Samodin Artem,
Head of the Department of Criminalistics
and Forensic Medicine of the National
Academy of Internal Affairs, PhD in Law,
Associate Professor*

«POLICE QUEST» IN THE EDUCATIONAL PROCESS OF THE NATIONAL ACADEMY OF INTERNAL AFFAIRS: WORKPLACES AND TRAINING GROUNDS

Practical trainings as well as trainings in the form of police quests at the National Academy of Internal Affairs are the effective means of the theoretical knowledge consolidation and the practical skills, necessary for higher education students in their further professional activities, development.

The abovementioned form of the educational process organization is the background for effective and qualitative development of professionally-oriented educational disciplines' practical component aiming at the formation of the communicative competence while training young specialists for the bodies and units of the National Police of Ukraine.

The purpose of the police quest is the change of the persistent stereotypes in the organization of classes and the development of the practical work's elements by simulating future professional police activities and modeling a typical situation.

The tasks of the police quest are: the development of creative thinking, the discovery of innovative potential, the formation of skills for rational usage of training time and stimulation of cognitive motivation.

The basis for conducting the police quest is the situational method (role-playing, business game, etc.), the content of which is aimed at mastering by the cadets of the algorithm of criminal procedural, forensic and operative-search actions concerning the investigation of certain types of criminal offenses.

The quest provided full immersion into the storyline, based on the content of specific contemporary plot of service activity and on the implementation of active actions aimed at achieving the purpose of the task and making a decision based on the analysis of the situation.

The form of such kinds of practical and training lessons determines the place of its conduct: a training ground, a public place, an open area, etc.

The police quest consists of the combination of methods and techniques of the teacher and cadets' coordinated activity, as well as the cadets' interaction, while conducting which they achieve a certain level of proficiency in the professionally oriented disciplines. The usage of interdisciplinary and subject-integrated quests, where the activities of the participants are united by one plot of a criminal offense, which develops in time at different locations plays an important role in the professional education.

Types of the police quest are determined in accordance with the objectives of the discipline, the number of game periods, the forms of evaluation of actions and decisions, as well as the directions of interaction of participants.

The police quest should anticipate: imitation of professional conditions that are as close as possible to the real ones; problematic character of the modelled situations; presence of roles and their clear distribution among the participants; description of the structure and scenario of the game; correspondence of the number of participants to the quest's tasks, amount of information, purpose of conduct; compliance with a program of an educational discipline, a topic or a set of topics; criteria of evaluation participants' actions.

The main stages of the quest are: the first (organizational-preparatory) when the methodical support is developed containing the definition of the purpose, tasks and type of the quest; the second is the direct execution of the quest's tasks; the third one includes discussion of the results of the tasks performed. The evaluating is conducted taking into account individual and collective actions of the students, regarding the correctness of criminal-legal, procedural and criminological analysis; ability to work in a team; to establish communication; to organize quest-group work; to solve the problematic situation creatively; to substantiate and motivate their actions.

In order to strengthen the practical component in the educational process in the central building of the National Academy of Internal Affairs, another training ground «Green Room» was created, for the development of the tactics of individual verbal investigative (search) actions with children, who suffered as a result of criminal offenses or witnessed crimes, through special methods, friendly to the child.

The training ground is a complex of two neighboring rooms separated by an out-of-the-eye observation window, which allows, in conditions close to real, to simulate the actions of the investigator and the involved specialists.

In the first room (therapeutic room), which is equipped with children's furniture, elements of aesthetic direction, in particular, indoor flowers, children's toys, with the help of special equipment and video surveillance systems, psychologists, specialists in pediatrics, psychiatry, pedagogy work with the child.

In the second room equipped with a set of office furniture, computer equipment, audio and video recording system, the investigator records the child's testimony in the interrogation protocol

and adjusts the work of the specialist who directly interviews the child.

Technical equipment of the training ground allows to conduct classes in the distance mode for various educational subdivisions of the academy.

Successful implementation of the police quest is a necessary prerequisite for the effective acquisition of knowledge acquired by cadets from professionally-oriented educational disciplines, intensification of the skills to make quick and independent decisions in the contemporary conditions of the service activity of the bodies and units of the National Police of Ukraine.

*Mostepaniuk Liudmila,
Associate Professor of the Department
of Criminal Law of the National Academy
of Internal Affairs, PhD in Law, Associate
Professor*

CLASSIFICATION OF CRIMINAL LEGAL EXECUTION

The legal basis for the construction of a new system of criminal offenses and their differentiation for crimes and misdemeanors is the Concept of the reformation of criminal justice approved by the decision of the National Security and Defense Council of Ukraine dated February 15, 2008 «On the process of reforming the system of criminal justice and law-enforcement agencies» and approved By a decree of the President of Ukraine from 08.04.2008, № 311/2008. It is this normative legal act on the reform of criminal law raised the issue of introducing a criminal offense to the legislation of Ukraine and states that in order to humanize the criminal law, a certain part of crimes would have to be transformed into criminal misconduct, to limit the scope of the use of penalties related to deprivation of liberty , replacing them with penalties. Criminal punish acts to be divided into crimes and criminal misconduct. The main criteria for such changes should be: the degree of public danger and the legal consequences of a criminal act for a person, society and the state; practice of applying criminal and administrative legislation; international experience in protecting human, society and state from crimes and misconduct.