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THE CONCEPT OF «UNDUE BENEFIT» IN ART.  
160 OF THE CRIMINAL CODE

This paper studies the concept and characteristics of the undue benefit as a matter of bribing voters or referendum participants. Definitions of possible signs of undue benefit are given. The notion and signs of the undue benefit which is offered, promised or given party or voter referendum for the commit or not commit actions for the implementation the electoral law are detailed. In addition, to the context of the signs of undue benefit is understanding lexical-grammatical meanings that correlated with criminal law notions.

In particular, the footnote to Art. 160 of the Criminal Code defines that undue benefit is, funds or other assets, advantages, benefits, services, or intangible assets, which offer, promise, give or receive no legitimate reason.

It was found that the funds as the undue benefit at bribing voters for referendum participants, it should be understood funds in national and foreign currency. At the same time, the property, as a sign of the

undue benefit, - is the thing, the sum of things or proprietary rights and obligations. In this case, it is defined as the object of the material world, which may occur with respect to civil rights and obligations.

It is also the subject of undue benefit in the context of bribery of voters or referendum participants can act benefits, services, and intangible assets. It is noted that the benefits should be regarded as a privilege of certain property or non-property that are offered, promised or given to the voter (participant of referendum), and better determine its position relative to the others. In its turn, the benefits of a full or partial release of a person (a voter or referendum participant) to perform certain duties. The attention that despite the similarity of the benefits and advantages they must be clearly delimited in the context of illegal gains.

We prove that the services in terms of undue benefit are understood as the commit of acts whose benefit. In this regard, the benefit from the services provided (the acts committed) can be addressed as a voter or a participant of referendum, and another person.

As for intangible assets, as a matter of undue benefits, these assets represent the ownership of intellectual property, including industrial property, as well as other similar rights recognized by the subject of property rights (intellectual property), the right to use property and property rights taxpayer in the manner prescribed by law, including those acquired in the manner prescribed by law the right to use natural resources, property and property rights.

Mainly for all types of illegal benefits, especially for the provision of services, benefits and advantages are the fact that these benefits are transferred to voters or referendum participants: 1) without any legitimate reason; 2) free of charge or at a price lower than the market price reduction is not legal and public.

The conclusions of the most common sign of undue benefit in the bribery of voters or referendum participants are money in the national currency and assets in the form of food parcels (food basket), household chemicals and small household items. Instead of services, advantages, benefits and intangible assets, while theoretically may be the subject of undue benefit in the bribery of voters or referendum participants, but, in reality, are rare.