

of children fall into the trafficking network with the help of casual acquaintances, in other words, through a network of intermediaries and suppliers who are not registered in legal firms. According to research results, the characteristic feature of domestic child trafficking is that often family members, mother, father, guardians and close relatives act as "traders" or intermediaries in trade. [3, p. 19].

One more problem is the online use of children's play, which is often silenced. But silence is exactly what criminals need. This allows them to bring thousands of children around the world to their dirty business. According to the Italian Center for Social Research, only over 12 million samples of child porn have been created in Ukraine.

Despite the efforts of state authorities, non-governmental and international NGOs, trafficking in children and their sexual exploitation, labor exploitation remains an acute social and legal problem for Ukraine.

Список використаних джерел

1. Trade in children in Ukraine: political opinion has observed statistics - [Electronic resource]. - Access mode: <https://znaj.ua/society/torgivlya-ditmy-v-ukrayini-policiya-oprylyudnyla-ganebnu-statystyku>

2. Jahlis statistics: for pivroku in Ukraine naravali ponad 100 vipadkiv sex-ekspluatatsii - [Electronic resource]. - Access mode: <https://www.5.ua/suspilstvo>

3. Social and pedagogical foundations for the rights of the people, the protests of the people and the experience of children: navch.-method. posib / Zag. ed. Kb Levchenko, L.G. Kovalchuk. - 2nd view., Add. i pererobl - TOV "Agency" Ukraine". - K.: 2016. - 368 p.

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ACTUAL PROBLEMS OF NECESSARY DEFENSE IN UKRAINE

Actuality: This topic is relevant for a long time since the adoption of the Criminal Code of 2001, when amendments were made to the articles concerning the necessary defense, the definition of the necessary defense was given, in connection with the recent developments in the foreign policy of Ukraine, namely Eurointegration, this issue is particularly acute, since it directly concerns the issue of the lawful protection of the legitimate rights of a person from an unlawful encroachment on the part of another person.

Authors: The attention to the problems of the necessary defense and its excess in science and practice has always been given. In particular, this issue was investigated by M.I. Bazhanov, Y.V. Baulin, O.M. Kostenko, M. I. Korzhansky, A.A. Piontkovsky, M.I. Yakubovich, A.F. Koni. The name of Great Britain professor K.S.Kenny is worth of noting too.

Object: The object of this work is the analysation and systematization of knowledge about legislative regulation of such circumstances that exclude the crime of the necessary defense's act, as well as study of the problems of its application

Subject: The subject of this work is the problem of necessary defense and her application

Purpose: To study the problem of the use of necessary defense, as well as the analysis of international legal experience in defining the concepts and features of the necessary defense from the point of view of legislation.

Aims: To analyze international legal experience in defining the concepts of required defense

To identify the differences in the use of the necessary defense in different countries of the world

To identify the problems of regulating the necessary defense

Main body: According to Article 1 of the Constitution of Ukraine: "Ukraine is a sovereign and independent, democratic, social and lawful state" [1, 5], hence the state must provide all the necessary conditions for the normal development of society, to protect the rights and freedoms of man and citizen, Article 3 The Constitution of Ukraine establish that "Man, his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value" [1, 5], therefore the question of their protection is a priority area of the Ukrainian state, including in criminal law so the issue of the necessary defense is acutely facing everybody in nowadays.

The right to defense is enshrined in Article 27 of the Constitution of Ukraine: "Everyone has the inalienable right to life. [1, 10], nobody can be arbitrarily deprived of life. The duty of the state is to protect human life.

Everyone has the right to protect his life and health, life and health of other people from unlawful encroachments. "[1, 8], Implementation of the constitutional provisions on the right of a person to protect his life and health, as well as life and health other people from unlawful encroachments are the institution of necessary defense, provided by the current Criminal Code of Ukraine in article 36 "Necessary defense as a circumstance excluding criminal offense" [2,14].

Some authors consider causing damage with the necessary defense without exceeding its limits as a socially neutral behavior. As a general rule, injury within self-defense excludes criminality.

However, the law on criminal liability in two articles provides for cases in which, in case of causing serious harm to a person in excess of the limits of necessary defense, criminal liability should occur: article 118 "Intentional murder in excess of the limits of necessary defense, or in case of exceeding the measures necessary for the apprehension of the offender" and article 124 "Intentional infliction of grave bodily harm in case of exceeding the limits of the necessary defense or in case of exceeding the measures necessary for the apprehension of the offender". [2, 14]

Since criminal liability for serious harm is provided for by Articles 118 and 124 of the Criminal Code, official statistics on such crimes should be rather low, but the dynamics of the registration of crimes provided by the articles analyzed by me points to a slight, but an annual increase in their rates. In general, in Ukraine, for decades, the situation with the number of cases involving the prosecution of individuals for causing serious harm exceeding the limits of the necessary defense remains extremely difficult. Problems of necessary defense and its excess in science and practice have always been given close attention. In particular, Y.V. Baulin notes that not only private but also specially authorized persons (in this case, law enforcement officers) may also participate in the protection of law-protecting interests in the form of necessary defense. In such cases, such actions by private individuals should be assessed in accordance with the rules of the necessary defense, and special subjects - in accordance with the requirements for the performance of official duties [3, 241].

There is no definition of the "limit of necessary defense" in the theory of criminal law. The definition of this concept was tried to give a lot of scientists, in particular Y.V. Baulin, who stated that "the boundary of necessary defense is recognized as causing harmful damage that corresponds to the danger of an encroachment or the protection of the environment" [3, 248].

English criminal law does not know the term "necessary defense". In major study on Criminal Law in England, Professor KS Kenny at the number of circumstances that exclude the crime of the act, defense is not necessary is called, but in the analysis of killing and bodily injuries it is precisely about the fact of "self-defense". Not using the term "excess protection" the author nevertheless considers the lawful self-defense only when used measures "... appropriate for the purpose of displaying the danger". Judging by the text of the work,

Kenny excludes the legitimacy of defense if there is a sharp discrepancy means of protection and means of attack, if the protected benefit is protected ways that in this situation were excessive, etc.

Analyzing the experience of foreign countries regarding the application of the institute of necessary defense, one can conclude that the necessary defense is defined as the lawful behavior necessary to protect citizens, society and the state from socially dangerous encroachments.

The criminal codes of most countries recognize the possibility of exceeding the limits of the necessary defense and causing significant harm to the offender. In the states of distant foreign countries, the death of an offender in excess of the limits of the necessary defense is not punishable.

In the CIS countries, responsibility for exceeding the limits of the necessary defense is maintained.

Conclusions: The issue of the necessary defense is still relevant and at the legislative level it is not sufficiently regulated.

There are certain differences regarding the necessary defense of different scholars, there is no clear definition of the concept of "boundaries of necessary defense".

In order to address the problem of the usage of necessary defense, it is necessary to clearly define the limits of defense, it is also necessary to take into account the fact that each person is unique and will act differently in a situation that is dangerous for her or another person, more action should be allowed to protect the person to whom an offense is committed because the perpetrators understand that if they will oppose and harm them, their rights will also be protected, but if they have more responsibility and less rights then there will be a certain fear of the criminals and it is he who will give rise to doubts from the attackers, thus, on my subjective opinion, the number of offenses, as well as offenses related to exceeding the limits of the necessary defense.

Список використаних джерел

1. The Constitution of Ukraine, adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996 // Information from the Verkhovna Rada of Ukraine. - 1996

The Constitution of Ukraine: the current legislation with amendments and additions as of January 17, 2018: (OFFICIAL TEXT.). - K .: PALIVODA AV, 2018. - 73 p.

2. The Criminal Code of Ukraine of April 5, 2001 No. 2341-III // Information from the Verkhovna Rada of Ukraine. - 2001. - No. 25-26. - Art. 131 Criminal Code of Ukraine: current legislation with amendments and additions as of 07.03.2018, basis 2292-19.: (OFFICIAL TEXT.). - K .: PALIVODA AV, 2018. - 192 p.

3. Baulin Y.V. Circumstances that exclude the crime of an act / Y.V. Baulin - Kharkiv, 1991. - 360 p

4. Scientific commentary of the Criminal Code of Ukraine / Prof. Korzhansky M.Y. - K.: Atika, Academy, Elga-N, 2001. - 656 p.

5. Single report on criminal offenses for January-December 2015 [Electronic resource]. - .Access mode: http://www.gp.gov.ua/ua/stst2011.html?dir_id=106781&libid=100820#.

6. The only register of court decisions [Electronic resource]. - Access mode: <http://www.reyestr.court.gov.ua/Review/47468876>.

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THE PROBLEMS OF BURGLARY IN USA

When most people think of burglary, they think of a thief in a black outfit sneaking into someone's home or a museum in the middle of the night. While such activity definitely counts as burglary, the legal definition applies to a much broader range of activities. Though state laws differ slightly in how they categorize burglaries, it is a crime in every state and one that often comes with significant penalties.

What Constitutes burglary? A person commits burglary when he enters a building with the intent to commit a crime within. To show that a burglary occurred, a prosecutor must produce evidence on the following points, and convince a jury beyond a reasonable doubt on each of them. A building or structure: It used to be that burglary laws applied only when someone house or dwelling. Today, the law prohibits anyone from entering into any structure, and not just a home. Many state laws identify the types of structures that count as a building for burglary crimes. They include stores, school buildings, houseboats, trailer homes, and even tents or campsites. Some states also differentiate between burglary of a commercial space and residential burglary, punishing residential burglary more harshly. For residential burglary, the building must be a home, apartment, or some type of building in which a person lives.

The prosecutor must also prove that the accused entered the building illegally or without permission. This means that the building must be either a private one or a public one that was not open or otherwise publicly accessible. Illegal entry also applies to a person who enters a structure that's open to the public, but with the intent to commit a crime inside—like a person who walks into a store with the intent to steal merchandise. The