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CRIMINAL LEGAL NATURE OF CORRUPTION CRIMES IN UKRAINE

In too many countries, people are deprived of their most basic needs and go to bed hungry every night because of corruption, while the powerful and corrupt enjoy lavish lifestyles with impunity.”

– José Ugaz, Chair of Transparency International

What do we know about corruption, how do we know it, and what steps do we need to take to improve our understanding of corruption and enhance governments' effectiveness in combating it?

Corruption is universal. It affects all regions of the world and all levels of society, but the impact is greatest in developing countries.

The effects are far-reaching: corruption can undermine political, social and economic stability, and ultimately threaten the safety and security of society as a whole. Corruption creates a fertile ground for organized criminal activities, even terrorism, as criminals are aided in their illegal activities by the complicity of corrupt public officials. Economic globalization has made corruption a borderless crime. The competitive world of international business can leave companies exposed to bribes and fraudulent financial practices. Corrupt transactions can cross multiple jurisdictions, making the ensuing police investigation time-consuming and complex.

Corruption in Ukraine, which has long been turned into a "chronic evil", has signs of systemic effects, the negative impact of which extends to all areas of public life. Despite the adoption of new anticorruption laws and appropriate subordinate legislation, the level of corruptibility in Ukrainian society is critically high, which is a priority makes impossible to effectively implement the reforms initiated by the President of Ukraine, and threatens the national government security. This requires immediate actions, including the development of scientific and theoretical foundations for the implementation of efficient mechanisms not only combating corruption by strengthening the accountability of perpetrators of corruption, but also reduction of the risk of its rise and prevention through the development of the national integrity system [1].

The criminal law theory provided different definitions of corruption crimes: offenses, which are determined as misuse (abuse) by the officials of government authorities or of local self-government bodies of the conferred powers or their official position in personal interests or interests of third parties (M. I. Melnyk). Any intentional crime that is being committed by an official of a public authority or local government using his official position for mercenary motives, other personal interest or interests of third persons (O. M. Dzhuzha) [4, p. 24–26]; provided for in the Special part of Criminal Code of Ukraine (hereinafter – the CCU) of a socially dangerous act containing signs of corruption and corruption offences (V. Kutz, Y. Trynyova) [5, p. 33]. This diversity of scientific definitions

was due to the absence of a legislative definition "corruption crime". Here the author agrees with V. K. Marin, that in general corruption is a crime which is committed by an official who provides public services using his special status for the purpose of obtaining undue advantage and the CCU describes approximately 100 such infringements [3].

Under the current CCU, corruption crimes are crimes provided for by Articles 191, 262, 308, 312, 313, 320, 357, 410, in case they were committed by abuse of official position, as well as crimes provided for by Articles 210, 354, 364, 364-1, 365-2, 368–369-2 of the present Code [2;3].

Corruption crimes do not completely coincide with any of the group of crimes in the national Criminal Code. This is quite true of crimes in the sphere of official activity and professional activity related to the provision of public services, corruption crimes often have the connection with. It is evident, not all the so-called "official crimes" can be corruption crimes (name for instance exceeding power or official responsibilities by an employee of law enforcement body (Article 365 of the CCU) or official neglect (Article 367 of the CCU)). On the other hand, corruption crimes are not just limited to crimes in the sphere of official activity and professional activity related to the provision of public services [2].

Obviously, the statutory definition of corruption crimes is provided not in the context of their broad description with disclosing specific signs, but by listing specific articles of the CCU, which stipulate for the responsibility for such socially dangerous encroachments. So, the range of corruption crimes includes certain violations that are provided for in 19 (nineteen) articles of the CCU, i.e. the legislator has brought an exhaustive list. Herein, we can talk about typical signs of corruption crimes: 1) public danger; 2) wrongfulness, that is, envisaging them in the CCU; 3) the acts that contain elements of corruption; 4) the fact of committing them by the peculiar subjects (perpetrators); 5) the presence of exceptionally intentional form of guilt; 6) the punishability. However, as it will be further noted, from the above provisions regarding the typical signs of the researched crimes

there may be certain exceptions [2;3].

List of referenes

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