

treatment. "Not being able to sleep was the hardest for me," says Kazuo Ishikawa, who held out for 30 days before signing a confession he couldn't read (he was illiterate at the time) to a murder he says he didn't commit. He spent 32 years in prison and is still fighting to be exonerated. It is impossible to know the true figure, but when 99.8% of prosecutions end in a guilty verdict, it is clear that the scales of justice are out of balance.

It is a undisputed fact that Japan has achieved a remarkable safe compared to other industrialized countries, and they incarcerate far fewer than for instance society the UK (with a prisoner rate 3 times higher) or the US (13 times higher). Yet it is also a carefully maintained image that ignores many darker aspect of the Japanese society. Its modern surface often doesn't extend to social attitudes towards women in this male-dominated culture. Unlike the rare violent crimes, sexual assaults are said to be widespread and severely underreported. The existence of *chikan* ("perverts", meaning men groping women in public) is a massive problem and has led to the creation of "women-only" carriages in most major cities. Japanese police are also criticized for failing to take victims of sexual crimes seriously time and again as a result of either chauvinist bias or an inability to investigate such crimes.

So Japan's criminal justice system may boast some very impressive statistics, but those figures seem to come with a dark side.

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## THE ACTUALITY OF THE RENEWAL OF THE DEATH PENALTY IN UKRAINE

**Target setting.** The death penalty has always been a very difficult, controversial and pressing issue, regardless of the social conditions that existed in our society. Today we live in the XXI century - this is the century of "humanism", where the first place got person, her life, health,

inviolability, individuality and identity, but unfortunately, we live in the state where crime and impunity are in the first place. It was with the denial of death penalty in Ukraine that disputes and discussions began between the majority of the population and the legislators of our state. The question of the renewal of the capital punishment in Ukraine today is very relevant.

**Actual scientific researches and issues analysis.** In domestic legal science, there are practically non-existent studies devoted to such a type of punishment as the death penalty. Interesting material for the analysis of this problem was found in the works of M. Korzhansky, O. Shevchenko, T.Svid, P.Vorobey, A.Savchenko, V.Kostitsky, O. Lavrin, A.Michlin and others.

**The research objective** is to justify the expediency of restoring the death penalty in Ukraine as an exceptional measure of punishment through the prism of social requirements and social values.

**The statement of basic materials.** Since November 9, 1995 Ukraine is a member of the Council of Europe. By joining this international organization, she there by confirmed her course on joining the European community. One of the demands of the Council of Europe is the abolition of the death penalty as a punishment in our state [1, p.5]

Death penalty is the deprivation of human life as a punishment provided by the law of the state and carried out in accordance with the verdict of the court. When assessing the death penalty, as well as any other type of punishment, it is necessary to take into account how much the death penalty will achieve the purposes pursued by the state in its punitive policy.

The death penalty is also used by foreign countries. Thus, in 59 countries of the world, the death penalty is the highest penalty:

- The US ranked 5th in the world in terms of the number of executions - "the most democratic country in the world."
- The Criminal Code of the People's Republic of China has 55 types of unlawful acts punishable by the capital punishment
- Singapore is one of the first places in the world in the number of executions per capita.
- The death penalty remains in many eastern countries. Afghanistan, Iraq, Iran often use this type of punishment. And in Saudi Arabia, they are still executed by cutting off their heads. The death penalty is also used in a number of African and Central Asian states.

Over the past 20 years, the crime rate has increased by one and a half times. Today the most popular thesis among political and public circles - Ukraine is returning to the bad 90s, but it is worth noting that today's crime situation is worse than in the 1990s, as the number of convicts is decreasing every year. For example, in 2015 the number of committed crimes reached

565 thousand, and the number of convicts for the year decreased to record for all years of independence - 94 thousand people. [7]

The majority of the population is convinced that without the inevitability of punishment crimes can not be overcome, and indeed, the above statistics confirms this. Such legal awareness was raised for decades, but in recent years it has strengthened even more against the backdrop of unprecedented increase in crime, demands for punishment to be more rigid reflect the dissatisfied needs of people in state protection and security. Given the fact that the jurisprudence differs from unusual liberalism for it.

I propose to define all arguments for, or against, the death penalty, and also try to reveal and justify my legal position.

***The arguments behind:***

1) More than half of Ukrainian citizens stand for death penalty. In Ukraine, 60% of citizens want the restoration of the death penalty. This is evidenced by a survey conducted by Research & Branding Group. [4]. The state will be able to achieve some success in combating crime only when it will use the power of the people [3, p.64].

2) According to part 2 of Article 87 of the Criminal Code of Ukraine: "An act of pardon may be replaced by a sentence imposed by a court convicted by a court in the form of life imprisonment for imprisonment for a term of at least twenty five years." [10] In case of pardon, the person does not will complete the penalty. Is it fair? For example, if Onoprienko A., - "Serial killer", for 52 intentional murders (among which dozens of children) were pleased with the act of the head of state? Or is it true that, after committing many intentional murders, Onoprienko himself died of heart failure? The Criminal Code of Ukraine should be constructed in such a way as to protect more citizens, not criminals. Honored Professor I. Danshin, "the law should take under the protection of the life of a law-abiding citizen, and not the life of a criminal - murderer." There is no law in Ukraine on the legal status of a victim of a crime. Meanwhile, the United States issued the Federal Law on the Protection of Victims of Crime and Witnesses (1982), the Law on the Victims of Crimes (1984). [9, p. 174-175] Justice and the punitive policy of the state should be based on equality and justice.

3) The death penalty itself can serve as a general and special prevention. Some death penalty researchers point out that the death penalty as a measure of punishment is completely ineffective. The question arises: if ineffective death penalty, then are other effective penalties effective? Then, it should be, at all, cancel the Criminal Code of Ukraine, if the punishment is ineffective. [9, p. 175] Any measure of punishment is of a preventive nature, an essential incentive, a preventive measure for committing crimes. All sorts of assertions

that the severity of punishment has no meaningless groundless. And the practice of using such punishments disproves such statements.

5) Religion recognizes the death penalty as legitimate. Looking at the religious codes (the Bible, the Quran, the Talmud), we can conclude that God does not regard the death penalty as an incorrect or immoral measure. On the contrary, we find many commandments in which wrongdoing, iniquity is the most serious sin. Therefore, everyone is offered to respect the law, not to communicate with offenders and to condemn their illegal acts. Nature has given the right to life for everyone. It is truly inalienable and absolute, and in God's commandments it is outlined in the formula "do not kill". According to all the commentators, we believe this commandment is directed at crime, not punishment. Death sentences for criminals in the most brutal form are provided by the Old Testament, which used the Christian church. Similar prescriptions are also contained in the divine law of other religions.

#### ***Arguments Against:***

1) The introduction of the death penalty may be an obstacle to Ukraine's stay in the Council of Europe and the CIS. ***But***, in Article 2 of Protocol No. 6 to the Convention on the Protection of Human Rights in Relating to the Abolition of the Death Penalty (signed by the states members of the Council of Europe) states that the state can impose a death penalty in its legislation for acts committed during the war or inevitable threat of war, therefore it gives grounds for the restoration of the death penalty in connection with military events in eastern Ukraine.

2) Judicial error is not an exception. There are always court errors and the death sentence makes them irreparable. But, firstly, in criminal proceedings there are corresponding legal guarantees - the presumption of innocence, the right to protection, appeal, pardon, the principle of interpretation of doubts in favor of the accused, etc. Secondly, in order to avoid a miscarriage of justice, it is necessary to establish a more exacting, rigorous and qualified selection for a judge's position. Of course, mistakes, of course, need to be fought. But they do not justify the abolition of the death penalty.

**Conclusion.** Death penalty is an exceptional, most severe form of punishment, which consists in the forced, but fair (underlined by us - O.L., O.O.) deprivation of life of the convicted in the name of the state and by the verdict of the court. In our opinion, this exceptional measure of punishment should be legalized in our country, with religious and legal beliefs. According to Article 3 of the Constitution of Ukraine: "Human, his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value". [9] And this norm should be applied not to criminals, but to the victims,

because there are crimes that deprive the offender of the right to be called a man, they delete it from the list of people!

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### **COMBATE BIKES' THEFTS IN SWEDEN**

Bicycle theft is one of the most common property offences. In 2017, 65,200 bicycle thefts were reported, which is roughly the same level as compared with the preceding year. Bicycle theft is not a specific legal category, it is not possible to isolate the number of persons who were found guilty of bicycle theft from the statistic [1].