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**JUDGE (JUDGES) REGULATION OF A CLEARLY UNJUST
VERDICT, DECISION, DECISIONS AND RULINGS:
MODERN PROBLEMS OF INTERPRITATION**

From the time of independence of Ukraine there are serious changes in the criminal law policy regarding appropriate security protection of domestic justice. That is why criminal law combating crimes committed by specific actors in the justice sector, is an important task for the development of Ukraine as a democratic and legal state. After the damage caused by such acts, it is not only in violation of the legitimate rights and interests of people, but also in their further

discouragement to the activities of state bodies, first of all - court, undermining the prestige and authority of these structures etc.

Given the above, there is an urgent need to be rethought the issues in the present conditions, which are related to ensuring the protection of the relationship to ensure the realization of the constitutional principles of activity of bodies of preliminary investigation, prosecution and trial. One of the pressing problems is to find effective ways of countering such crime as the imposition of a judge (judges) of a clearly unjust verdict, decision, ruling or order.

The features of criminal liability for the imposition of a judge (judges) of a clearly unjust verdict, decision, ruling or order were investigated by such scientists in their scientific works, such as: P.P. Andrushko, M.I. Bazhanov, P.S. Berzin, V.I. Borisov, O.V. Kaplin, A.A. Kvasha, O. Kostenko, V.A. Kazak, V.V. Kuznetsov, P.S. Matyshevskaya, M.I. Miller, V.V. Mulchenko, V.A. Nawrotskyi, A.S. Nowak, A. Savchenko, V.Y. Tatsiy, V.P. Tihyy, I.A. Titko, VI Tyutyugin, EV Fesenko, P.L. Fris, M.I. Havronyuk, A.V. Schasny, N.M. Yarmish and others.

However, current controversial issues of criminal responsibility for the adoption of a judge (judges) knowingly unfair sentence, judgment, order or decree led to a draft resolution of the Plenum of the Supreme Court of Ukraine for Civil and criminal deals «The judicial practice in cases of adoption of a judge (judges) knowingly unfair sentence, judgment, order or decree «

In general, it should be recognized sufficiently a high level of resolution prepared by the project of PSCU. However, in our opinion, certain provisions of the draft resolution is controversial or not quite accurate.

First of all, let's consider such a sign of the subject as the subject of crime offenses. In our opinion, the subject of crime offences is an unjust judicial act (judgment, decision, order or decree) because judgment, decision, order or ruling is the subject of public relations.

Another issue is the establishment of appropriate signs of subjective side of the offense. The provisions which is set in the draft of resolution of PSCU («unawareness of unjust judgment, which was made by judges or a judge of the composition of the board,

eliminates the possibility of bringing him to the 375 Art. of the Criminal Code even of the absence of the views of judge») is rather debatable. If the judge does not express a dissenting opinion, it is logical that he agrees with the court of collegial decision. The other explanation of the judge, is that he was not aware of an unjust judgment which may indicate his wish to shirk responsibility. If we admit this possibility to avoid criminal liability, any judge will use it to their advantage.

Also specified draft resolution of PSCU again drew our attention to one of the legal problems of today - the harmonization of the conceptual apparatus of the Criminal procedure Code of Ukraine (CpCU) and the Criminal Code of Ukraine. It's especially true in using new terms such as «criminal,» «criminal offense» and others. So in the future it is important to formulate a regulatory definition of concepts and identify the types of criminal offenses. Unfortunately, current law enforcement officers and judges have been widely used new terminology without waiting for the changes of the Criminal Code: «Qualification of criminal offense», «a person has committed a criminal offense», «criminal offenses in which proceedings are closed,» «a person whom is convicted of a criminal offense.»

The foregoing allows us to offer some ways of improving the application of 375 Art. of the Criminal Code of Ukraine.

1. In the 2 item of the PSCU the subject of a crime should be defined as precisely unjust judicial act (judgment, decision, ruling or decree).

2. Presented the new edition of the provisions, which are referred to in 4th item of the PSCU («unawareness of unjust judgment, which is made by judges, doesn't exclude the possibility of bringing him to the 375 Art. of the Criminal Code for criminal liability even in the absence of the views of the judge»).

3. The grounded position, which is indicated in 3rd item of PSCU Regulation («for the establishment of the sings of the offense in persons act under the 375 Art. of the Criminal Code, does not require that the judgment of suspected or accused person has been revoked or modified by the court of higher level»).