

GENERAL CHARACTERISTICS OF PREMEDITATED MURDER FOR ORDERING

Assassinations are constantly accompanies us from the earliest history of mankind. This type of crime has affected our country, starting with Kievan Rus. The modern history of our state shows that premeditated murder committed by order was a very common crime in the mid 90-ies. And since 1998, their number gradually started to decrease, which on the one hand positive, but on the other assassinations have become more professional and dangerous. Besides, in my opinion, it is impossible to enjoy this, at first glance, the positive statistics when it comes to the deprivation of life of the individual. Therefore, among other reasons, the premeditated murder committed by order and is considered a particularly heinous crime. Unfortunately, the modern criminal situation in Ukraine is characterized by an increase of both quantitative and qualitative indicators of crime. A crime Such as premeditated murder committed in order to make the society a special resonance. To a large extent this is due to the specific nature of this crime and the fact that it is a relatively new phenomenon in the practice of domestic law enforcement.

The study of issues related to intentional murders committed on order, dedicated to the works of such scientists: p. P. Andrushko, V. I. Boyarov, T. V. Dzyuba, V. P., Kobzarenko, N. Th. Korzenski M. I. Miller, V. A. Navrotskyi, V. V. Skibitsky, V. V. Stashys, Is. In. Fesenko, A. A. Shulga, S. S. Yatsenko and others. However, to date, the basic theoretical provisions on the characteristics of this type of crime still remain insufficiently understood and controversial.

The concept of «premeditated murder in part 1 of article 115 of the criminal code set out quite succinctly, is «deliberate illegal causing death to other person». Regarding the concept of «premeditated murder committed by order» in paragraph 11 of part 2 of article 115 of the criminal code it is not provided. In accordance with paragraph 15 of the resolution of Plenum of the Supreme Court of Ukraine (PSU) №. 2 dated 07.02.2003 «On judicial practice in cases about crimes against life and health of a person,» premeditated murder committed by order is deliberate deprivation of life of the victim, committed by a person (contractor) on behalf of another person (the customer). Responsible for clause 11 of part 2 of article 115 of the criminal code occurs only in cases when it ordered the murder, and not some other violent crime. If the customer is instructed to cause the victim bodily injury, and the contractor intentionally killed him, the customer is liable for complicity in the crime, which he organized, or the commission of which persuaded the performer, and the last for the one he actually committed.

The order of the customer the executor of a crime may take various forms. First, it can be a transaction in which the liability is incurred, regardless of when committed were promised by actions performed if the customer has not fulfilled his promise, he was going to do it or not [5]. Secondly, it can be an order or instruction that is executed in connection with the fact that the contractor before receipt of the order for the murder claimed the assassin obligations [6, p. 787]. For murder on the ordering characteristic is that the contractor receives or wants to receive some benefit or to evade any negative circumstances do not result in the deprivation of life of the victim and the execution of the order, through the will and actions (inaction) of the customer or authorized person [6, p. 787-788]. To the actions of a material nature on the part of the customer, in particular, include: payment to the contractor remuneration, transfer or preservation of property rights, exemption from property obligations, and the like. Under the action of a nonmaterial nature is understood any action committing or not committing of which directly is not connected with the material interests of the contractor (employment assistance, solve some of their problems, the exemption from criminal liability and the like). Most homicides in the ordering is done out of selfish wrong. In these cases, the actions of the subjects of crimes are classified according to clauses 6, 11 part 2 of article 115 of the criminal code.

The crime of intentional homicide committed by order, can be divided into 4 groups. The basis for such division is degree of organization of these murders, the identity of the victims and the scope of activities in which they revolve:

- 1) the murder was committed on domestic violence;
- 2) murder committed on the basis of a commercial relationship;
- 3) murders committed in the sphere of activities of organized criminal groups;
- 4) the murder was committed for political reasons, on the basis of the professional activities.

Premeditated murder for ordering have a particularly great danger to the public. It is almost always committed with direct intent, they are characterized by cruelty, sophisticated methods of concealment of traces of crime, and hence high complexity of the disclosure. Also, the increased public danger of assassinations is the fact that there is irreversible consequences such as death, and in this regard, the loss caused to the victim of this crime, can not be reimbursed.

So, analyzing the concept of «deliberate murder committed on order» and its essence can be summarized the definition: «Premeditated murder for ordering is murder which is committed by the contractor on behalf of the person (group of persons) who is highly interested in depriving the victim of life, with the aim of obtaining from the customer or its authorised person (s) for the order of certain benefits of a tangible or intangible nature or for the purpose of preventing the Commission by these persons of certain actions in its favor" [6, p. 788].

List of references

1. Murder on order: warning and disclosure: a Course of lectures / A. Th. Nikiforuk, Nikolayuk S. I., Yu. Irkhin and others - K.: CST, 2009. - 160 p.
2. The Constitution of Ukraine of June 28, 1996 // Supreme Council of Ukraine. - 1996. - No. 30. - St. 141.

3. The European Convention for the protection of human rights and fundamental freedoms 1950. - [Electronic resource]. - Access mode: <http://www.zakon.rada.gov.UA>.
4. The criminal code of Ukraine adopted by the Verkhovna Rada of Ukraine of 05 April 2001, № 2341-III. - [Electronic resource]. - Access mode: <http://www.zakon.rada.gov.UA>.
5. The resolution of Plenum of the Supreme Court of Ukraine "On judicial practice on cases on crimes against life and health" dated 7 February 2003, No. 2. - [Electronic resource]. - Access mode: <http://www.zakon.rada.gov.UA>.
6. Criminal proceedings in Ukraine: Court practice. Crimes against human life (murder): the official publication of the Supreme Court of Ukraine / ed. by p. P. Pylypchuk. - K.: Type. Dim "In Jure", 2007. - 960 p.
7. The legal system of Ukraine: history, state and prospects: 5 T. - H.: Right, 2008. - Vol. 5: Criminal-legal science. Actual problems of fighting crime in Ukraine / For zag. the editorship of V. V. Stashis. - 840 p.