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## **KIDNAPPING IN THE UNITED KINGDOM**

In criminal law, *kidnapping* is the unlawful carrying away and confinement of a person against their will. Thus, it is a composite crime. It can also be defined as false imprisonment by means of abduction, both of which are separate crimes that when committed simultaneously upon the same person merges as the single crime of kidnapping. The abduction element is typically but not necessarily conducted by means of force or fear. That is, the perpetrator may use a weapon to force the victim into a vehicle, but it is still kidnapping if the victim is enticed to enter the vehicle willingly, e.g., in the belief it is a taxicab [1].

Kidnapping may be done to demand for ransom in exchange for releasing the victim, or for other illegal purposes. Kidnapping can be accompanied by bodily injury which elevates the crime to aggravated kidnapping [2].

While kidnapping is one of the biggest modern fears that plagues parents, at the center of the debate against free-range parenting and receiving constant buzz on social media, as a society, we have a really inaccurate idea of what kidnapping actually looks like [3].

Kidnapping is an offence under the common law of England and Wales. In all cases of kidnapping of children, where it is alleged that a child has been kidnapped, it is the absence of the consent of that child, which is material. This is the case regardless of the age of the child. A very small child will not have the understanding or intelligence to consent. This means that absence of consent will be a necessary inference from the age of the child. It is a question of fact for the jury whether an older child has sufficient understanding and intelligence to consent. If the child (being capable of doing so) did consent to being taken or carried away, the fact that the person having custody or care and control of that child did not consent to that child being taken or carried away is immaterial. If, on the other hand, the child did not consent, the consent of the person having custody or care and control of the child may support a defense of lawful excuse. It is known as Gillick competence [1].

Regarding Restriction on prosecution, no prosecution may be instituted, except by or with the consent of the Director of Public Prosecutions, for an offence of kidnapping if it was committed against a child under the age of sixteen and by a person connected with the child, within the meaning of section 1 of the Child Abduction Act 1984.

Kidnapping is an indictable-only offence. Kidnapping is punishable with imprisonment or fine at the discretion of the court. There is no limit on the fine or the term of imprisonment that may be imposed provided the sentence is not inordinate [1].

A parent should only be prosecuted for kidnapping their own child "in exceptional cases, where the conduct of the parent concerned is so bad that an ordinary right-thinking person would immediately and without hesitation regard it as criminal in nature" [4].

Список використаних джерел

1. Kidnapping [Electronic resource] – Mode of access: <https://en.wikipedia.org/wiki/Kidnapping>

2. Child abduction [Electronic resource] – Mode of access: [https://en.wikipedia.org/wiki/Child\\_abduction](https://en.wikipedia.org/wiki/Child_abduction)

3. 6 Things I Learned When My Child Was Kidnapped [Electronic resource] – Mode of access: <https://www.thechaosandtheclutter.com/archives/6-things-i-learned-when-my-child-was-kidnapped>

4. Child Abduction Facts [Electronic resource] – Mode of access: <https://www.parents.com/kids/safety/stranger-safety/child-abduction-facts/>

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## **THE SECRET OF JAPAN'S MYSTERIOUSLY LOW CRIME RATE**

The recent knife attack in Japan that killed 19 people was the largest mass killing in the country's history. The tragedy stunned the country, which has one of the lowest homicide rates in the world. In fact, Japan's crime rate has declined steadily for the last 60 years.

Studies suggest that several factors are involved in Japan's low crime rate. Underpinning everything is a strong cultural affinity for passivity and non-violence. Anger and aggression are considered shameful in Japanese society, which puts a premium on personal honor and intricate social protocols. Some experts contend these traditions were further strengthened in the aftermath of World War II, when Japan turned away from violence after suffering the atomic bombings of Hiroshima and Nagasaki.

Japan has also managed to rid its society of guns to a significant degree. According to reports by the United Nations and the University of Chicago, just one in 175 households in Japan have firearms (in the USA such rate is one in three). The types of firearms that are allowed are heavily