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THEORETICAL AND METHODOLOGICAL ASPECTS OF THE RESEARCH OF ILLEGAL MINING OF MINERAL RESOURCES OF NATIONALLY IMPORTANT MINERALS

Most of the world's leading scientists have long been drawn to the conclusion that humanity is doing everything for self-destruction. This is following by the degenerate nature, and the deforestation itself, the extraction of minerals from the bowels of the earth, which destroys the structure of soils, and the drainage of reservoirs. All of these factors in the future is the key to the depletion of the planet's resources.

An important condition for the investigation of crimes against the environment, namely illegal mining of minerals of national importance, is a study of the theoretical and methodological aspect of illegal extraction of minerals of national significance. It is safe to say that the problem under consideration is not sufficient highlighted, reviewed and investigated. The theoretical basis is the general provisions of criminal law as well as research scientists and researchers in the illicit production and trafficking of minerals of national importance.

The problem of illegal mining is not new to independent Ukraine and currently very topical. The structure of crime in this type of crime is rather organize, which is why the settlement of the rule of public relations is very necessary and urgent.

Analysis of illegal extraction of minerals of national importance is carries out mainly on the pages of textbooks, Educational and practical manuals or scientific and practical comments to the Criminal Code of Ukraine.

As for the methodological aspect, I wish to say first of all, that methodology in general and directly, a system of techniques, methods and tools, scientific thinking, which are a set of ways and forms of movement of thought from ignorance to knowledge. The very methodology of law and its individual elements, always in close connection with the dominant society principles of legal doctrine, which actually is a fundamental feature.

The science of criminal law, as well as other sciences, in turn, applies certain methods of research to achieve the social content of criminal law, their purpose and effective use, understanding the problem of the very fight against crime and comprehensive study. These methods include as historical and legal, the method of comparative law, legal, dialectical, sociological, and others.

In addition, I consider it expedient and justifiable to use the dialectical method by which the phenomena studied should be studies in unity of their actual essence and legal form.

Research legal and historical sources, may indicate only that that institute criminal protection illicit production and trafficking of minerals of national importance arose relatively recently. Therefore, an increase in the number of cases of illegal extraction and circulation of minerals of national importance necessitated the criminal legal regulation of the situation that arose in this area.

Studying conditions of criminal liability for illegal mining of national importance has an important role because the national criminal justice history traced the ambiguous attitude of the legislator to act. Social conditionality criminal prosecution for any illegal acts defined by the presence of conditions criminalization of social relations in a particular area.