

Vartyletska Inna, Professor of the
Department of Criminal Law of the
NAIA, PhD in Law, Associate
Professor

CHARACTERISTIC OF CRIMINAL LAW MEASURES AGAINST VARIOUS OFFENCES IN STATISTICAL INDICATORS

The punishments invoked by courts in different times reflect the government policy concerning struggle against criminality. Only the modern perfect legislative framework which regulates fundamental legal principles of infliction and servicing of criminal penalties is able to secure the most complete, appropriate and effective execution of principles of responsibility for crimes. The effective activity of law enforcement bodies and judicial system is the further important factor of criminal policy. They perform functions of detection and termination of criminal activity, bringing of offenders to responsibility for their illegal behavior as well as punishment of offenders.

The punishment system of Ukrainian criminal legislation includes various penalties which differ in restriction of rights and freedoms of convicted offenders.

The criminal policy of Ukrainian state is described with different parameters. First of all, statistical data with respect to the state and dynamics of total number of convicted citizens as a whole and for separate type of offences are evidence of political, social and economic processes arising in the Ukrainian society as well as evidence of activity of law enforcement bodies.

One of the qualitative indicators of law enforcement effectiveness is the coefficient of convictions, that is to say, ratio of convicted persons to the Ukrainian population which shows changes in the law enforcement practice of our state. During 1993-2000 221 persons were convicted per 100 thousand in population, in 2000 468 persons were convicted, in 2009 - 318, in 2012 - 35,7, in 2013 - 27,0.

As previously stated, during 1993 - 1998 the number of recorded offences reduced and the total number of convicted persons increased.

The total number of convicted offenders is changing with different periods in Ukraine. Over the last years the number of persons convicted by court is seen to be reduced. In 2012 162881 persons were convicted, in 2013 - 122973, and in 2014 Ukrainian courts passed judgments on 102170 offenders. These figures show that during ten years the fewer offenders appeared in the court and drew a sentence. In the same time the question that has to be answered is for which crimes the offenders were convicted and which penalties were invoked or other criminal law measures were taken with regard to them.

In 90's the most offenders were convicted for robberies, hooliganism and for crimes related to illicit traffic in narcotic drugs and psychotropic substances. Among this group law enforcement officials brought to responsibility mainly those who produced, manufactured, acquired, kept, transported and transmitted narcotic drugs or psychotropic substances without purpose of their sale (art. 229-6 of Criminal Code of Ukraine of 1960) and did the same actions with respect to the target of crime in small (art. 229-8 of Criminal Code of Ukraine of 1960) illegally. The number of offenders convicted according to these two articles of Criminal Code is in total 82% of all persons convicted for narcotic criminal actions in this period.

And which measures do take law enforcement bodies and courts with regard to such offences and offenders nowadays?

There are no changes in the number of persons convicted for robberies during many years and this number is still a maximum. Although offenders related to the narcotic crimes are still at the first place in the criminal rating as before. Every fifth convicted committed the same crime.

According to statistical data, in 2010 21146 persons were convicted by Ukrainian courts for illegal production, manufacturing, acquisition, keeping as well as transmission of narcotic drugs of psychotropic substances without purpose of their sale. This group comes to 68% of all offenders convicted for crimes related to traffic

of narcotic drugs, psychotropic substances, their equivalents or precursors. In the same time the number of persons convicted for illegal actions with respect to narcotic drugs of psychotropic substances for the purpose of their sale and for sale of such substances is much fewer - only 19%.

So, our law enforcement system proceed with its policy, that is to say, to fight not against offenders who helps to extend drug addiction in the society but against those who have nothing to do with the sale of dangerous substances and need in medical measures.

Persons on whom judgments for non-payment of child support were passed by courts are on the fourth stage among the total number of persons convicted in 2010 and in the following years. Their number is 73% (6366 persons) of persons convicted for crimes against elective, employment and other personal rights of human and citizen.

Which grounds does this irregular attitude to different categories of offenders have? First of all, this process is explained by insufficient effectiveness of law enforcement activity concerning detection and investigation of mostly serious crimes, bringing to responsibility and punishment of offenders who commit crimes under aggravating circumstances.