

6. Procurement systems (improve the efficiency of government purchasing)

7. Reform of civil service (substitute civil service for patronage and ensure that it is apolitical) [6].

In connection with the development of information technologies, organized crime and many other factors inherent in modern times, corruption is spreading on an unprecedented scale and becomes a problem that requires international cooperation to solve.

Список використаних джерел

1. John H. Shenefield, Thoughts on Extraterritorial Application of the United States Antitrust Laws, 52 Fordham L. Rev. 350 (1983). URL: <https://ir.lawnet.fordham.edu/flr/vol52/iss3/3/>.

2. Graf, Bernd U., "International Concurrent Jurisdiction: Dealing with the Possibility of Parallel Proceedings in the Courts of More than One Country" (1988). LLM Theses and Essays. 125. URL: https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1121&context=stu_llm.

3. 5 U. S. Code § 2302. Prohibited personnel practices. URL: <https://www.govinfo.gov/content/pkg/USCODE-2013-title5/pdf/USCODE-2013-title5-partIII-subpartA-chap23-sec2302.pdf>.

4. Vasily A. Vlasihin, The Prosecutor in American Criminal Procedure: Observations of a Foreign Student, 12 Loy. L.A. L. Rev. 833 (1979). URL: <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1339&context=llr>.

5. Eksteen Riaan, "The Role of the Highest Courts of the United States of America and South Africa, and the European Court of Justice in Foreign Affairs", 2019. URL: https://books.google.com.ua/books?id=c_eDwAAQBAJ&pg=PA319&lpg=PA319&dq=1.+Eksteen+Riaan,+%22The+Role+of+the+Highest+Courts+of+the+United+States+of+America+and+South+Africa,+and+the+European+Court+of+Justice+in+Foreign+Affairs.

6. Susan Rose-Ackerman, Corruption and Government: Causes, Consequences and Reform. Cambridge: Cambridge University Press, 1999. URL: https://edisciplinas.usp.br/pluginfile.php/4866813/mod_folder/content/0/Aula%2011.%20ROSEACKERMAN%2C%20Susan%3B%20PALIFKA%2C%20Bonnie%20J.%20Corruption%20and%20Governm...pdf?forcedownload=1.

Сленко Б., курсант Національної академії
внутрішніх справ

Консультант з мови: Драмарецька Л.

WHITE-COLLAR CRIME IN THE USA

“White-collar crime” is defined as a violation of criminal law by a person of the upper-socio-economic class in the course of his/her occupational activities. White-collar crime (or corporate crime, more

accurately) refers to financially motivated, nonviolent crime committed by businesses and government professionals. Typical white-collar crimes could include wage theft, fraud, bribery, Ponzi schemes, insider trading, labor racketeering, embezzlement, cybercrime, copyright infringement, money laundering, identity theft, and forgery. The motivation for these crimes is to obtain or avoid losing money, property, or services, or to secure a personal or business advantage. Most notorious are insider trading cases, in which individuals act upon, or divulge to others, information that isn't yet public and is likely to affect share price and other company valuations once it is known. Insider trading is illegal when it involves buying or selling securities based on material non-public information, which gives that person an unfair advantage to profit. Ponzi and pyramid schemes typically draw upon the funds furnished by new investors to pay the returns that were promised to prior investors caught up in the arrangement. Such schemes require the fraudsters to continuously recruit more and more victims to maintain the sham for as long as possible. The schemes typically fail when demands from existing investors outstrip new funds flowing in from new recruits.

Advance fee schemes can follow a more subtle strategy, where the fraudster convinces their targets to advance them small amounts of money that are promised to result in greater returns. Money laundering is the process of taking cash earned from illicit activities, such as drug trafficking and making the cash appear to be earnings from legal business activity. Among the most methods to launder money common, though, use real estate, precious metals, international trade, and virtual currency such as Bitcoin. Other investment scams flagged by the Federal Bureau of Investigation (FBI) include promissory note fraud, in which generally short-term debt instruments are issued by little-known or nonexistent companies, promising a high rate of return with little or no risk. Commodities fraud is the illegal sale or purported sale of raw materials or semi-finished goods that are relatively uniform in nature and are sold on an exchange, including gold, pork bellies, and coffee. According to the FBI, white-collar crime is estimated to cost the United States more than \$300 billion annually. In addition to the FBI, entities that investigate white-collar crime include the Securities and Exchange Commission (SEC), the National Association of Securities Dealers (NASD), and state authorities.

In the decades since, the range of white-collar crimes has vastly expanded as new technology and new financial products and arrangements have inspired a host of new offenses. Although typically the government charges individuals for white-collar crimes, the government has the power to sanction corporations as well for these offenses. The penalties for white-collar offenses include fines, home detention, community confinement, paying the cost of prosecution, forfeitures, restitution, supervised release, and imprisonment. Federal Sentencing Guidelines suggest longer prison sentence whenever at least one victim suffered substantial financial harm.

However, sanctions can be lessened if the defendant takes responsibility for the crime and assists the authorities in their investigation.

Both state and federal legislation enumerate the activities that constitute white-collar criminal offenses. The Commerce Clause of the U.S. Constitution gives the federal government the authority to regulate white-collar crime. In addition, most states employ their own agencies to enforce white-collar crime laws at the state level.

Список використаних джерел

1. White-Collar/Crime. URL: <https://www.investopedia.com/terms/w/white-collar-crime.asp>.

2. White-Collar/Crime. URL: https://en.m.wikipedia.org/wiki/White-collar_crime.

3. White / Collar / Crimes and / Criminal / Liability. URL: <https://lawshelf.com/shortvideoscontentview/white-collar-crime/>.

Слюсар Л., курсант Національної академії
внутрішніх справ

Консультант з мови: Скриник М.

THE INTERNATIONAL CRIMINAL COURT: POWERS AND JURISDICTION

International criminal court is an effective mechanism for identifying and punishing perpetrators on international level. The basis of its activities is the Roman Statute which was adopted on 17 July 1998. The main mission of the ICC is to put an end to the most serious crimes of concern the whole world [1].

Structure of the ICC is composed of four organs: the Presidency, the Chambers, the Office of the Prosecutor and the Registry. Each of them have special powers and responsibilities.

The ICC is governed by the Rome Statute, which defines a number of principles that the court guide in the administration of justice. Analyzing the Roman Statute we can distinguish one of the general principles [2]:

1. "Ne bis in idem" (article 20 of the Statute) - a person cannot be attracted to responsibility of the International Criminal court person, if his act was already the subject consideration by a national or international court.

That's means that nobody can be condemn if person has already been found guilty of the crime and has already been served sentence, justified or proceedings were terminated from others rehabilitative grounds.

2. "Nullum crimen sine lege" (article 22 of the Statute) - a person may not be convicted of a crime which is not provided for by the jurisdiction of the court.

The ICC don't consider crimes which uncertain by the Rome Statute.