

SPECIFIC ASPECTS OF CRIMINAL RESPONSIBILITY FOR EXTORTION

Offenses against property are relevant throughout the time of society's existence, so they should pay enough attention, especially as regards qualifications and their separation from adjacent syllables.

One of such crimes is extortion, which is determined in Art. 189 section 6 of the Criminal Code of Ukraine (hereinafter CC). In the disposition of the article extortion is defined as an unlawful requirement for the transfer of someone else's property or the right to property or to commit any acts of property with the threat of violence against the victim or his close relatives, restriction of the rights, freedoms or legitimate interests of these persons, damage or destruction of their property or property, under their jurisdiction or under guard, or disclosure of information that the victim or his close relatives wish to keep secret [1]. Article 189 of the Criminal Code of Ukraine also specifies the qualifying attributes provided for by the relevant parts (parts 2-4).

Special attention in this article should be given to such categories of victims as close relatives. In the Criminal Procedure Code of Ukraine (hereinafter referred to as the CCP), paragraph 1 of clause 1 of the Art. 3 that close relatives and family members are a husband, wife, father, mother, stepfather, stepmother, son, daughter, stepchild, stepchild, brother, sister, grandfather, grandmother, great-grandfather, great-grandmother, grandson, granddaughter, Great-grandchild, adoptive parent or adopter, guardian or trustee, person under guardianship or care, as well as persons living together, are associated with a common life and have reciprocal rights and obligations, including those who are jointly live, but not married [2].

That is, it can be argued that in the case of committing socially dangerous acts provided by Art. 189 of the Criminal Code of Ukraine, an intruder will be subject to criminal liability if the addressee of them will be the persons indicated only in clause 1 part 1 of Art. 3 of the Procedural Code of Ukraine. How then, if a person, in committing this crime, directs his threats or implements them against persons who, according to the current CPC of Ukraine, do not belong to close relatives of the victim but are close to him?

According to Part 1 of Article 1 of the Law of Ukraine "On Prevention of Corruption" of October 14, 2014, such persons are: a great-grandfather, great-grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, father-in-law, in-law, adopter or adopter, guardian or caretaker, a person in custody or care, cousins, native ancestors, or uncles, nieces, nephews, etc. [3].

From this it follows that the existing gap in the legislation should be corrected by harmonizing the position of civil, anti-corruption, criminal and criminal - procedural legislation, namely: a) to expand the concept in Clause 1, Clause 1 of Art. 3 CCP Ukraine close relatives and family members, or b) make appropriate changes to Art. 189 of the Criminal Code of Ukraine, which will be more effective.

Another actual aspect regarding the qualification of the crime, provided for in Art. 189 of the Criminal Code of Ukraine - the absence of such a method of committing this crime as the use of physical violence, which is not dangerous to the victim's life or health. Thus, Part 1 of Art. In particular, the way in which extortion is committed determines, in particular, the threat of such violence. The realization of violent threats is already reflected in part 3 of the above-mentioned norm, but in the form of violence that is dangerous to the victim's life or health. It involves violence, ranging from light bodily injury to a short-term health disorder.

Therefore, when extortion, as a method of compulsion to realize its criminal intention, the attacker causes the victim to strike, beating or mild bodily harm without short-term health disorders, we see that due to a gaps in the legislation, it will be problematic to qualify its actions only under Art. 189 of the Criminal Code of Ukraine, because there is a need for qualification in combination with crimes against life and health (art. 125 or part 1, or art. 126 of the Criminal Code). This problem, in my opinion, also requires an urgent legislative settlement.

List of references

1. Кримінальний кодекс України: Закон України від 5 квітня 2001 року N 2341-III [Електронний ресурс]. – Режим доступу: <http://zakon4.rada.gov.ua/laws/show/2341-14>.
2. Кримінальний процесуальний кодекс України: Закон України від 13 квітня 2012 року N 4651-VI [Електронний ресурс]. – Режим доступу: <http://zakon4.rada.gov.ua/laws/show/4651-17>.
3. Про запобігання корупції: Закон України від 14 жовтня 2014 р. No 1700-VII [Електронний ресурс]. – Режим доступу: <http://zakon4.rada.gov.ua/laws/show/1700-18>.