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STAGE COMMIT OF A CRIME

The question of qualification of crimes prior criminal activity is quite important, because the right to resolve it affects the objective of sentencing and other criminal consequences. Perpetrators do not always finish a conceived and launched crime inspite of their will. For example, just a weapon bought by a killer to commit a crime and was arrested or made a shot at the victim, missed or only wounded him. In these and similar cases, there is the question of responsibility for criminal acts in certain stages of the crime - a certain period, the stage phase, the stage in the development of something that has quality features.

Stages of the crime has a certain stage of its implementation, which significantly differs in the degree of realization of intent, that is the nature of the actions (or inaction) and the time of its termination.

Due to the fact that crime is only a socially dangerous illegal and culpable act (action or omission) done criminal (Ch.I Article 11), each stage of the crime must be the same in this act. Why do not stage the crime or that state of mind a person of thought, expression of intentions, their formation and detection. This is not an act, which intent is objectified . Only socially dangerous acts may be prohibited by criminal law under penalty, but they can be considered as a stage of the crime.

Stages of the crime are types of purposeful activity, stages of implementation of criminal intent, a particular purpose and can be contained only in crimes committed with direct intent.

The extent to which the intent is reflected in the various acts that characterizes each stage of the objectively existing between them sufficiently clear boundaries. The more intent is realized, the more crime is carried out, the more damage is likely or has guilty. Thus, the extent to which the intent killer who precisely gave weapons to the victim (unfinished attempted murder), much larger than the one who just bought weapons for killing (preparation of a crime).

Stages of the offense differ and end point of the offense. It can be completed guilty, but having done so may not be realized and therefore stop at the previous stages (preparation of a crime or directly).

There are types stages of the crime. Criminal Code recognizes criminal offenses and the offense consists of three stages: 1) preparation of a crime; 2) attempt to commit a crime, together with the preparation of a crime are pending offense; 3) completed crime. Signs of preparation of a crime and attempted crime are stipulated under Art. 14 and Art. 15 and completed crimes - in the disposition of the articles of the Criminal Code. If the crime is completed, it absorbs all the stages of its commission, they do not have independent value and do not affect its qualification.

Stages of the crime have theoretical and practical significance, since their installation allows to distinguish criminal from non-criminal behaviour and identifies features of criminal liability for it, except at the stage of crime relevant to the application of many norms of the Criminal Code of Ukraine, so necessary institution of criminal law.

CRIMINAL RESPONSIBILITY FOR TRAFFICKING OR
OTHER ILLEGAL AGREEMENT ON RIGHTS (ARTICLE
149 OF THE CRIMINAL CODE OF UKRAINE)

Actuality confirmed that human freedom is one of the core values of modern civilized society, and ensure the inviolability of individual freedom - one of the main functions of the state.

In the twentieth century, human trafficking included international community in a number of major challenges and threats to national and international security. Today, concern about growth illegal actions on use rights for the purposes of sexual and other exploitation. The problem of human trafficking must first be seen as something threatening national security because its the fact it jeopardizes the achievement of all democratic societies.

In accordance with international law, each country that respects human rights and should ensure their implementation, including the prevention of violence, providing competent investigating acts of violence, punish perpetrators and provide compensation to the person affected.

Ukraine like most European countries protects freedom, honor and dignity of socially dangerous encroachments, particularly related to human trafficking. Human trafficking, in accordance with Article 149 of the Criminal Code of Ukraine - recruitment, transportation, harboring, transfer or receipt of a person committed to the operation, using deceit, blackmail or vulnerable state entity.

Realization of other illegal agreement, the object of which is man - is to achieve and partial implementation of an agreement between two or more persons of violation or restriction of rights and freedoms under the Constitution of Ukraine and laws can not be violated or restricted. The contents of this agreement must include the implementation of such agreements as gifts, granting free use, transfer to repay the debt, and any other arrangements for further exploitation rights (sexual exploitation, use in the pornography business, involvement in criminal activity, involvement in debt bondage, adoption

(adopting) for commercial purposes, use in armed conflicts, exploitation of labor people).

Exploitation rights in Article 149 of the Criminal Code of Ukraine, means all forms of sexual exploitation, use in the pornography business, forced labor or forced services, slavery or practices similar to slavery, servitude, involvement in debt bondage, the removal of organs, conducting experiments on a person without her consent, adoption (adopting) to gain, forced pregnancy, involvement in criminal activities, use in armed conflicts and more.

Among the main causes of spread of human trafficking in Ukraine experts call these: the difficult economic situation of citizens and unemployment, lack of awareness on job opportunities abroad, ignorance of immigration laws, the demand for cheap labor, active work of criminal gangs.

Taking possession of a person can be committed for the purpose of sale and to direct operation. For example, in Ukraine for every person recruited, a person can get from 200 to 500 dollars.

The objective side of crime is expressed in active actions aimed at human exploitation for profit. Positions Part. 1, Art. 149 of the Criminal Code provides for the commission of the offense - trafficking in distinct forms:

1) human trafficking; 2) other illegal agreement, the object of which is man, and 3) recruiting and 4) moving 5) concealment, 6) transfers or 7) receiving person. Of the offense, simply committing criminal acts in at least one of these forms.

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The subject of crime is overall - a person who has attained 16 years of age. Making an official act and the person on whom the victim was financially or otherwise dependent, is qualified the offense.

The subjective side of crime is characterized by direct intention, selfish motives. Committing acts in ways movement, harboring, transfer or receipt of rights provides for a special purpose - this person operation. Through offense in the form of sales or any other compensation of transmission, the perpetrator is aware of the content of

the agreement, within which the transfer must take either man, and wants to do these for profit.

Qualified crime provided ch. 2, Art. 149 of the Criminal Code, constitutes an action:

- with regard to minor
- with regard to several persons
- repeatedly
- by previous concert group of persons
- an officer through abuse of office
- person on whom the victim was financially or otherwise dependent
- combined with violence not dangerous to life or health of the victim or his family
- threats of use such violence

Especially qualified for the types of trafficking ch. 3. 149 of the Criminal Code recognizes the commitment of the following:

- as to juvenile
- organized group
- connected with violence dangerous for life or health suffering or him near;
- with the threat of application of such violence
- if such actions have caused grave consequences

So who trades people? In relation to the victim: 65% - strangers; 12% - friends; 2% - other influential people; 2% - business partners; 1% - family members; 18% - others. Sex: 57% - women; 43% - men. By nationality: 60% - ukrainians; 10% - russians; 5% - poland; 2% - lithuanians; 23% - others.

In this respect, it is appropriate to give some statistics, because human trafficking does not recognize the boundaries of state, does not distinguish between rich and poor countries. According to the United Nations, people sold into slavery in 127 countries. In 11 states marked «very high» level of activity of traffickers, among them - Russia, Ukraine, Belarus, Moldova and Lithuania. In 2015, the said criminal activities (trafficking), brought the participants 150 billion Dollars a year. Ukraine ranks first among the countries of Southeast Europe for the number of victims of trafficking. According to the US State Department each year fall into slavery 600-800 thousand. People. According to the

Centre for Human Security, this figure is much larger and is 4 mln. people. According to research by the International Labour Organisation, about 12.3 million. People in the world are engaged in forced labor, including 2.4 million as a result of trade people. Herewith the youngest saved man was 3 years old and the oldest - 73 years.

In this manner, the problem of human trafficking today is important direction of research and needs further development in terms of criminal law application.