Fourthly, fixings of the movement of a stream of motor transport means of automatic video fixing with demonstration of the corresponding road signs is a preventive measure, possible violators will behave less aggressively if they know that for traffic offenses the corresponding collecting not only in the form of penal points, but also itself a penalty will be applied to them (after use of 150 penal points).

In such a way, the use of a system of penal points is expedient collecting which is based on the principles of prevention of offense, but not punishment for its commission and consequently is in the motivational and disciplining way of safety of traffic by drivers.

Список використаних джерел

1. Кодекс України про адміністративні правопорушення № 2505-VIII від 12.07.2018,

2. Закон України «Про внесення змін до деяких законодавчих актів України щодо вдосконалення регулювання відносин у сфері забезпечення безпеки дорожнього руху» № 580-VIII від 02.07.2015.

Шашкова А.,
здобувач ступеня вищої освіти бакалавра
Національної академії внутрішніх справ
Консультант з мови: **Могилевська В.**

CURRENT CHALLENGES FACING THE EFFECTIVE ENFORCEMENT OF INTERNATIONAL HUMANITARIAN LAW

The changing nature of warfare in the 21st century poses a multitude of challenges to the perceived applicability of International Humanitarian Law for both State and non-State actors in contemporary conflicts. These issues, including but not limited to: ambiguity in the distinction of violent conflict, the changing type of actors involved, issues of asymmetric warfare, challenges of negative reciprocity, and an inhibited ability to engage with all parties to conflict, are detrimental to the overriding purpose of IHL. Still, the oftentimes inefficient nature of the international system, as well as lack of consensus regarding new legislation means that formal changes in IHL to more flexibly reflect the reality of situations will not be developed anytime in the near future. Therefore, it is in the best interest of all parties to non-international conflicts to aspire to better respect the existing norms of IHL, which can only be attained if States recognize the dire need for inclusive engagement with all types of non-State actors. In addition, practices of positive reciprocity must be carried out by all parties, in order to better serve the ultimate goal of International Humanitarian Law: the reduction of human suffering, and the preservation of human dignity in times of violent armed conflict.

Most articulately stated, International Humanitarian Law (IHL), also known as the Law of Armed Conflict or the Law of War, «is the body of rules that, in wartime, protects persons who are not or are no longer participating in the hostilities»; and seeks to limit the methods and means of

warfare while preventing human suffering in times of armed conflict [1]. The principle instruments of IHL are the four universally ratified Geneva Conventions of 1949 as well as the three Additional Protocols of 1977 and 2005, as they stipulate that civilians and wounded or captured combatants must be treated in a humane manner. While the term jus ad bellum refers to the set of lawful criteria considered before engagement in war, jus in bello (IHL) is the law that governs the way in which warfare is conducted, irrespective of whether or not the cause of war is just. It works to humanize war, and protect civilians by creating distinctions between who and what may be targeted in conflicts, how this targeting is executed, weapons allowed, and the rights and obligations of combatant forces [2]. In the laws of war, principles of distinction, proportionality, and necessary precaution for minimal effects on civilians are essential to the way in which armed forces may participate in combat [3]. Accordingly, IHL focuses on governing how military operations may take place, instead of the legality for the reason of why they take place. In addition to formally adopted legislation of IHL, the rules of customary international humanitarian law are norms based on human rights that are considered to be binding even for states who have not officially ratified the Additional Protocols [4]. Furthermore, IHL distinguishes between two types of armed conflict – international armed conflicts (IACs) fought between at least two States, and noninternational armed conflicts (NIACs) that do not involve two States as opposing parties to the fighting—in order to extend its jurisdiction to as many instances as possible, so it may reduce humanitarian violations at all levels of armed conflict.

Yet, in light of the changing conditions characterizing armed conflict in the 21st century, there exist many challenges to the proper application of IHL in the world today. Arguably, the perception of its irrelevance in contemporary conflicts for both State and non-State actors is the most significant obstacle to preserving its original objectives, and the subsequent lack of compliance – in any form – is undeniably detrimental to its overriding purpose. It is argued that recent developments in warfare, which change the nature of violent conflict, have led many to perceive IHL as non-applicable in the modern era. Issues concerning challenges to humanitarian intervention, while essential for providing relief to victims of war and natural disaster, are outside the scope of this paper. Instead, non-compliance by parties to the actual armed conflict due to perceived irrelevance, and subsequent practices of negative reciprocity are the most significant challenges for International Humanitarian Law and the jus in bello doctrine in contemporary warfare – representing a vicious cycle that is most detrimental to its underlying purpose of reducing human suffering. Finally, because of the lack of consensus in the international system regarding if, and/or how IHL should be revised to better reflect 21st century conflict, this challenge can only be overcome by 1) an increased awareness of the beneficial incentives for abiding by existing IHL on the part of nonState actors 2) the realization of the benefits of positive reciprocity by both States

and non-State actors, and 3) increased willingness of States to engage in nonexclusive dialogue oh behalf of all parties involved.

It is perhaps readily apparent that one of the most prominent challenges to the effectiveness of International Humanitarian Law is the issue of non-compliance by the multitude of non-state actors formerly mentioned. But analogous to this problem is the fact that non-State actors are not autonomously or voluntarily Party to the treaties and conventions under which they are legally bound. Instead, IHL as ratified by States around the world includes the definitions of, and stipulations for NSAs in times of armed conflict simply because they are de facto parties to the conflict. The theory referred to as the 'principle of legislative jurisdiction' is a majority view of the international community, holding that non-state actors are bound under IHL by reason of their being active on the territory of a Contracting Party (a State Party to the Geneva Conventions and/or its Additional Protocols). But without their participation in the creation of these laws, and even oftentimes without their knowledge of them, it is difficult to expect comprehensive compliance, and ironically, «there are no groups that feel less represented by the State than armed opposition groups». Aside from a contradiction regarding the treatment of NSAs in domestic law versus IHL, the mere fact that non-State actors are not privy to the international laws governing them does little to ensure that they will abide by their standards. Thus, arguably at the heart of this issue is the denial of consent and participation in rule making. In addition, the argument of IHL's inherent «legitimacy» has little substance from the perspective of non-State actors, and «willingness to comply on the part of an actor is crucially dependent on the perception of its having consented to, or at least having participated in the formation of the law one is bound by». As such, in a period when violent non-State actors increasingly exert influence in modern warfare, the reality that only States are party to the treaties of IHL is a negative factor hindering effective compliance.

For as long as non-state armed groups are a reality of war, their existence and influence must not be ignored; nor should the paradigm that some are in inherently 'bad' restrict productive dialogue aiming to advance the effectiveness of International Humanitarian Law in armed conflicts. There is now, an overtly apparent and inherent necessity for IHL to become more flexible in the context of contemporary conflicts, as they are only becoming more complicated. It is undisputed that non-State groups will continue to exert influence. The lack of political will by powerful government and military representatives is not an excuse for the continued human suffering that still takes place as a result of indifference toward internationally binding laws and treaties; and it is absolutely imperative that the State and its armed forces act in a way that exemplifies correct behavior in times of armed conflict, in order to encourage behaviors of positive reciprocity, if there is any hope of achieving compliance by violent non-state actors in the increasingly complex reality of contemporary warfare.

Список використаних джерел

1. International Committee of the Red Cross, «Discover the ICRC», ICRC, 2005. URL: http://www.icrc.org/eng/assets/files/other/icrc_002_0790.pdf, 15.
2. Schmitt, Michael, «21st Century Conflict: Can the Law Survive?» Melbourne Journal of International Law 8 no. 2 (2007): 444.
3. Presentation given to students of SIT: Geneva, at ICRC, on Tuesday 26 February 2013, in Geneva.
4. Mack, Michelle, Increasing Respect for International Humanitarian Law in NonInternational Armed Conflicts, ICRC, Geneva, 2008, 9.

Швед А.,
здобувач ступеня вищої освіти бакалавра
Національної академії внутрішніх справ
Консультант з мови: **Богуцький В.**

JUVENILE DELINQUENCY PREVENTION

The most effective way to prevent juvenile delinquency is undoubtedly to help children and their families at an early stage. Numerous state programs focus on early intervention, and federal funding for community initiatives has allowed independent groups to tackle the problem in new ways.

We are confronted with distressing headlines of recent acts of violence caused by adolescents all the time. Given this fact, we might easily forget that these shocking articles about criminal teenagers are actually rather rare. Thus, the hundreds of cases involving minors who have committed a petty crime vanish throughout the mass media coverage as they are far less shocking and, consequently, far less lucrative. The public discourse on the problem of juvenile delinquency often tries to make us believe that criminality among underage persons is uncontrollable. The aforementioned fear of the unknown combined with overplayed newspaper depiction of violence contribute to a public misconception about juvenile offending and develope a distorted and pessimistic view of perpetrators who are mostly victims themselves as one will find out in the course of the research paper.

Juvenile Delinquency in the U.S. – Causes and Prevention.

Before one talks about juvenile delinquency it is indispensable to first explain this term. Finding a short definition to clearly describe that phenomenon is not easy, because there are hundreds of them already in existence. In general, a delinquent child is a child aged seven to 17 who refuses to obey a law or order made by a government or somebody in a position of authority. However, the age at which children can be declared criminally responsible differs from state to state. There are always minimum and maximum ages of criminal responsibility, the so-called demarcation ages that are determined by the state government [1, p. 26].