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COMBATING CRIMES, NEW METHODS OF COMBATING CRIMES

Today, the Commission is presenting a new EU Strategy to tackle Organised Crime, focusing on boosting law enforcement and judicial cooperation, tackling organised crime structures and high priority crimes, removing criminal profits and ensuring a modern response to technological developments. Organised crime groups continue to develop and evolve, as shown by their rapid adaptation to the coronavirus pandemic, for example through the increase in counterfeit medical products and online crime. Organised crime groups active in Europe are involved in a variety of criminal activities, with drugs trafficking, organised property crime, fraud, migrant smuggling and trafficking in human beings being prevalent.

I want to talk in more detail about the fight against crime in France. Definitions of organized crime, as given by the European Union and the United Nations, agree on several points. It is the work of a “structured group existing for a period of time and acting in concert with the aim of committing crimes in order to obtain a financial or other material benefit”.

Organized crime is a transnational issue and covers all major areas of trafficking: drugs, human beings, arms, stolen vehicles, and wild animals and plants, etc. It is closely tied to corruption and money-laundering. With the increased mobility of persons, goods and capital, organized crime has changed considerably and draws on new technologies, not only for the purposes of money-laundering but also in order to strengthen its existing activities and create new ones (cybercrime).

Combating organized crime is a major challenge for the international community. Alongside terrorism it now represents the largest non-military threat to internal security and international economic stability. Although it is by definition difficult to assess, the overall proceeds of organized crime probably total around €1 trillion per year.

In a context where criminality respects no national border or sovereignty, it is vital to have a comprehensive approach to fighting crime and strengthen international cooperation, particularly between judicial bodies and law enforcement agencies. France therefore plays an active role in multilateral forums dealing with these issues, working to ensure the coherence and effectiveness of the different forums.

At European level, France proposes enhanced security cooperation through the creation of common investigative teams and Police and Customs Cooperation Centres (CCPD). France participates in the work of various international forums, the United

Nations being at the forefront. France played a very active role in negotiating a Convention against Transnational Organized Crime (Palermo Convention), with Protocols against trafficking in persons, smuggling of migrants and trafficking in firearms. Those first three instruments were signed by France upon their opening for signature on 12 December 2000 in Palermo. France ratified them on 29 October 2002.

The Palermo Convention contributes to the three following areas:

- drafting of universal definitions for certain fundamental notions of criminal law in the area of combating organized crime (“organized criminal group”, “serious crime”, “proceeds of crime”, etc.);
- approximation of criminal laws, by requiring States to criminalize participation in organized criminal groups, money-laundering, obstruction of justice, and corruption;
- development of international judicial cooperation, by creating mutual legal assistance and extradition procedures in a universal framework. Specific provisions are also included to ensure traceability of dirty money and the seizure and confiscation of criminal assets. Like the Convention, the Protocols thereto are above all law enforcement instruments. The Protocol to Prevent, Suppress and Punish Trafficking in Persons requires States to introduce offences to their criminal law enabling prosecution of organized criminal groups engaging in trafficking. It contains a wide definition of human trafficking that encompasses sexual exploitation, forced labour, slavery, servitude and removal of organs.

With its international police technical cooperation department (International Cooperation Directorate at the Ministry of the Interior), which is one of the most comprehensive in the world, France fosters cooperation actions with major potential benefits for our country’s internal security, by combating criminal networks at their source and in transit countries.

Moreover, numerous bilateral internal security agreements are concluded every year, in addition to multilateral cooperation: France is increasingly involved in subregional, regional and global initiatives.

Список використаних джерел:

1. Fight against organized criminality URL: <https://www.diplomatie.gouv.fr/en/french-foreign-policy/security-disarmament-and-non-proliferation/fight-against-organized-criminality/>
2. Fight against organised crime: New 5-year strategy for boosting cooperation across the EU and for better use of digital tools for investigations URL: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1662
3. France effective in combatting financial crime, though some critical gaps remain URL: <https://www.euractiv.com/section/economy-jobs/news/france-effective-in-combatting-financial-crime-though-some-critical-gaps-remain/>

4. Directorate-General of Customs and Indirect Taxes (Direction générale des douanes et droits indirects) URL: <https://www.europol.europa.eu/partners-collaboration/member-states/france>

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CAUSING OF MONETARY COMPENSATION IN UKRAINE

Formulation of the problem. The issue of the application of the civil-law mechanism of compensation for damages caused by such a criminal offense as a terrorist act became especially relevant with the beginning of the armed conflict in the East of Ukraine.

Since the beginning of the conflict, more than 55,000 houses have been damaged or destroyed as a result of hostilities, and compensation remains one of the most frequently mentioned problems of the affected population [1]. In order to protect their property rights, the affected population applies to the court with demands to the State of Ukraine, represented by the Cabinet of Ministers of Ukraine (hereinafter referred to as the Cabinet of Ministers of Ukraine) for compensation for material damage caused by the damage or destruction of their housing as a result of terrorist acts during the anti-terrorist operation in Donetsk and Luhansk regions. As a rule, criminal proceedings under Art. 258 of the Criminal Code of Ukraine (hereinafter - the Criminal Code of Ukraine), which provides for criminal liability for committing such a crime as a terrorist act [2].

The specifics of compensation for damages caused by damage or destruction of housing as a result of the armed conflict, as well as to determine the reasons for the ineffectiveness of the civil law mechanism for the protection of the rights of persons whose housing was damaged or destroyed as a result of shelling in Eastern Ukraine.

Every person has the right to apply to the court for the protection of his property rights [3]. Damage compensation as a measure of civil liability is one of the judicial methods of protecting violated rights, which should perform a restorative function.

The Law of Ukraine "On Combating Terrorism" provides that compensation for damage caused to citizens by a terrorist act is carried out at the expense of the State Budget of Ukraine in accordance with the law, but with the subsequent collection of the amount of this compensation from the persons who were harmed, and in the manner established by law [4].

According to Art. 23 of the Criminal Code of Ukraine, guilt is a person's mental attitude towards the committed action and its consequences [2]. A person is considered innocent of committing a crime until his guilt is proven in a legal manner and established