

first of all, deliberate disclosure of state information and disclosure of state secrets from carelessness

The Criminal Code of Georgia provides for responsibility for the disclosure of state secrets (Article 320 of the Criminal Code) and violation of the procedure for observance of state secrets (Article 321 of the Criminal Code). [5]

Thus, we can conclude that each state puts its interests in ensuring the protection of state secrets, classified information at a very high level. In addition, any State shall use all methods of criminal law available to it to ensure that the national law provides for the proper handling of information that is secret and relevant to national security. Despite the fact that there is no single definition of crimes in the sphere of state secrets protection, the common aspects are the subject of a crime (state secret), the objective side (disclosure of information), and directly the subject of a crime (the circle of persons specified by law).

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CRITERIA OF THE PRESENCE OF SOCIAL DANGER AS AN OCCUPATION OF CRIME

Public danger is a key feature of the concept of crime. It plays an important role at all stages: from criminalization to individualization of criminal responsibility. All other features are

caused by public danger. The stumbling-stone of the whole theory of criminalization is the problem of the grounds of the criminal prohibition, those law-creating factors that determine the admissibility, the possibility and expediency of the recognition of a socially dangerous act criminal and punishable [1, p. 328]. So the next important issue, both for the legislator and for the law enforcement authorities, which needs to be resolved after the wording of the definition of «public danger as a feature of the concept of crime», is to determine the criteria for the existence of public danger.

Before determining the criteria for the presence of social danger should be differentiated: on the one hand - at the stage of law-making (as the main, determining criterion of criminalization); on the other hand, in the course of law enforcement. These are two sides of one phenomenon, which correlate both as abstract and concrete. The greatest value of the allocation of criteria for the presence or absence of social danger is precisely at the stage of criminalization. Formation of the law is a process that consists of two stages: the stage of the objectively determined social necessity in the corresponding legal regulation of relations and its reflection in the public consciousness, as well as the stage of law-making, that is, state activities, resulting in certain provisions through the law, through other sources receive the status of legal norms, are in the role of the rules of written law [2, p. 41].

Regarding the demarcation of crimes from other offenses at the stage of criminalization, a criminal offense can not be a distinctive feature, which helps to distinguish between crimes already at the stage of enforcement, nor a sanction imposed after an act has been recognized as a criminal offense. After all, sanctions are adequate or in some part inadequate reflection of public danger. They correlate with each other as a phenomenon and its reflection [3, p. 782]. So, as far as criminalization is concerned, the criteria for the legislator to clearly separate a criminal offense from a non-criminal one have not yet been developed.

Since the attribution of a certain socially dangerous act of a person to the category of crimes is the prerogative of the legislator, he is obliged to declare a criminal offense only of such an act that infringes on the most valuable objects, causes them significant harm and has the appropriate character and degree of social danger .

Public danger is a static category in the part of infringements which are always recognized and unambiguously recognized as inadmissible, and dynamic in terms of protection of objects whose social danger is changing with the development of social relations. In this regard, the criteria for the existence of a public danger will be constantly changing and, as a result, there will be a need for criminalization or decriminalization of certain acts. Thus, it is possible to determine the criteria only in relation to so-called static public danger.

The following criteria for the existence of a public danger at the stage of law-making are defined as follows: 1) according to the nature of social danger: an encroachment on life; health; sexual freedom and sexual integrity; the basis of national security; peace, human security and international law and order, etc .; 2) according to the degree of public danger: acts that cause physical or material damage in the amount and manner determined by the legislator; actions committed in a dangerous or violent way, etc.).

In general, when applying the criminal law in a particular situation, there is no need to determine the degree of social danger and there is no need to measure it in every case, since it is believed that a criminal offense is socially dangerous, as this has already been determined by the legislator, and the degree of such public danger is expressed in penal sanctions.

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