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Criminal Responsibility of Officials for Establishment and Participation in Criminal Organizations

Article presents current issues of officials' activities classification in terms of power abuse resulting in establishment and participation in criminal organisations.

It is identified that power abuse must be interpreted as use of: official position by public authority; official status of duty position, enterprise, institution, state agency or organization; any types of official contacts. Use of official position is considered as abuse of power if it contradicts state or agency interests. Moreover – if official is committing a crime under Articles 255, 257, 258³, 260 of the

Criminal Code of Ukraine, power abuse is performed for the benefit of criminal organisation.

Officials may be involved in the process of its establishment, direct management or participate in its activities. This involvement includes use of official status and position; uniform and official markings; any types of IDs; weapon and non-lethal equipment; any type of official data.

Nowadays official's participation in criminal organisation's activities is classified under Articles 255, 257, 258³, 260 of the Criminal Code of Ukraine (professional activity and public service). Under these conditions full scope of social danger posed by power abuse crimes is described in Articles 255, 257, 258³, 260 of the Criminal Code of Ukraine. Yet not all forms of power abuse in terms of criminal organisations establishment can be classified as crimes of professional activity and public service area. That is why we consider it necessary to amend the dispositions of Articles 364, 365 of the Criminal Code of Ukraine in order to cover all forms of power abuse stimulating the activities of criminal organisations.

Keywords: criminal organization, official, classification of crimes, power abuse, aggregate of crimes.