

Consequently, the main reason for recognizing this crime as a murder under mitigating circumstances is the particular mental and physical condition of a woman during or immediately after birth, which weakens her ability to govern her actions. Why sometimes there is a woman during childbirth or immediately after them this painful condition, science is not exactly known. Only some of the favorable factors and clinical manifestations are clear: symptoms of darkened consciousness, affective disturbances - rage, anger, fear or depression, delusional statements, hallucinations, etc. The woman is excited, she is bustling, screams, and feels lethal anxiety. In this period, a woman often crips or kills her newborn baby, and then tries to put her hands on herself. Forensic psychiatrists in such cases give an opinion on the insanity of a woman at the time of criminal action. Mental disorders in the postpartum period are a team of psychoses that are characterized by a variety of clinical manifestations. Often, they merge into a general pestilent picture by only one factor of childbirth. This psychosis in most cases, as a rule, has an absolutely benign course - it occurs acutely, directly chronologically associated with the factor of labor, short-term. A woman who has undergone such a psychosis is not mentally ill. Almost all women who tried to kill or killed their newborn baby were completely healthy mentally, but committed their actions in a temporarily morbid condition.

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## **CRIMINOLOGICAL TERMINOLOGY IN UKRAINIAN DIMENSION**

Global problems of the nature of crime and its prevention were reflected and developed in the works of famous foreign and Ukrainian scientists who formed the main criminological theories and identified ways of criminological science development for a long time.

The notion of crime was determined by such well-known Ukrainian criminologists as Volodymyr Golina, Ivan Danshin, Viktor Dromin, Anatolii Zakalyuk, Anatolii Zelinsky, Oleksandr Kostenko, Igor Lanovenko and others. Mostly they were of the opinion that crime is a social phenomenon. In particular, criminality was seen as

such. This understanding was first substantiated by Mykhailo Gernet. He proceeded from the fact that crime is a feature of society, which naturally generates separate crimes, but does not contain relevant features, and is not about crime, but about its causes, factors.

By the early 30's of the twentieth century two approaches to the definition of crime were formed in Soviet-era criminology – social and biological. However, gradually this concept acquired an ideological content; crime was defined as a temporary social phenomenon, doomed to disappear, and criminological science was recognized as bourgeois and practically ceased to exist. In the early 60's of the twentieth century, under the influence of decisions of the UN congresses on crime prevention and treatment of offenders a revival of criminological science in Ukraine began and first attempts to study crime through the prism of international legal practice were made. Criminality was defined as a set of crimes committed in a certain territory for a certain period of time. At the same time, doubts about the completeness and objectivity of the statistical approach to the concept of crime were expressed. So, in the first Soviet textbook on criminology, Oleksii Herzenzon defined crime as a set of crimes committed in a certain period of time in a given society. In the subsequent editions of this textbook, the definition was changed to a “collective, class-defined, historically transitional social phenomenon, manifested in the aggregate of acts recognized as socially dangerous and punishable in this society at this time”. However, this concept was influenced by ideological burden and, to some extent, contradicted the established views on crime that existed in international legal practice. A designation by Nataliia Kuznetsova in 1969 – the concept of crime as “relatively massive, historically changing social, having a criminal law character, the phenomenon of class society, which consists of the totality of crimes committed in a particular state in a certain period of time” [1] – was not quite original too.

Crime is a form of deviation from norm. Belgian lawyer A. Prince at the end of the XIX century considered humanity as a huge body and defined crime as one of the forms of deviations from the normal activities of this organism. According to him, crime comes from the very elements of mankind, it is not transcendent, but immanent; a certain degeneration of a social organism could be seen in it. Crime as deviations and deviant behavior is also characterized

such researchers as Georgii Avanesov, Yurii Antonyan, Anatolii Dolgov, Ivan Karpets etc.

It is also possible to consider crime as a system entity that forms structures quite stable in their purpose, ways of functioning, specifics of the organization. Their integral features are closed, “shadow” character of interaction, multivariate possibilities and high degree of uncertainty of self-development of criminogenic processes and trends, multifactority and multilevelness of mechanisms of social determination of growth indicators, active influence on non-criminalized social space, presence of criminogenic changes in social and individual consciousness. The components of this system are in a steady, dynamic relationship. Such components are specific types of crimes.

In our opinion, crime is generated by social phenomena and processes, manifested in the scale of the whole society, most fully reveals itself through a mass of crimes. The main, most significant feature of crime is a set of crimes, their repeatability. In criminological science and practice, the term “crime” is also used to denote a set of crimes of one or more species of a mass character and regularly repeated in a country or in a particular region over a period of time [2]. If a single crime, such as fraud, has become widespread, we are not talking about crime, but only about a widespread fraud. But if there is a mass burglaries, robberies, murders, etc., all this is repeated – this is already a crime. Consequently, it will not be correct to assert that crime is a social phenomenon. This is a set of social phenomena, but the sum of phenomena does not create a new phenomenon. Criminality existed at all times. There were always people who were dissatisfied with their position, those who sought to change it, using ways condemned by their contemporaries, regardless of the existence of written laws. Murder, injury, theft, robbery, rape, violation of the established order of management could be called the eternal crimes. Crime’ level and character in different socio-economic conditions and in different countries substantially correlates with the concrete circumstances of life of members of society. With the change of society, crime also varies. The criminalization and decriminalization of certain types of encroachments on the rights and interests of certain categories of persons is determined by the emergence of new social relations, as well as need of society in their

protection. Criminality is inseparable from human society. It is impossible to imagine a society which development would not be accompanied by unlawful acts, because coexistence of individuals and social groups is practically impossible without conflicts.

In my opinion, crime is an integral part of the relationship between people that accompanies society at all stages of its development and reflects separate individuals' behavior that is taken as crimes by other members of society.

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#### **CORRUPTION CRIMES**

The legislative bases of state anti-corruption policy of Ukraine are investigated in this article. The disparities and non-agreements of the provisions of some standards are analysed here, in particular the provision of Criminal convention about combating against corruption (ETS 173) from the 27<sup>th</sup> of January, 1999, according to the Law of Ukraine “About the prevention of the corruption” from the 14<sup>th</sup> of October, 2014 № 1700 – VII and the issue XVII of Special part of the Criminal Code of Ukraine “Crimes in the sphere of official and vocational activities, that is connected with provision of public services”.