

level 2) corruption 3) female discrimination 4) difficult economic situation 5) impossibility of employment. From these facts, one may conclude that in our today's situation it is very important to raise awareness about this problem and even though our government is doing its best in order to create a better, safer situation, there still is a high risk of trafficking and lots of problems (that I have listed earlier) that are still unsolved. So we also have to think about our future here, in Ukraine because we never know what kind of situation we could get in by working abroad. And by thinking about our future I mean speaking up about trafficking and other problems that occur in Ukraine and trying to help and to do our best in order to prevent/protect other people from human trafficking and of course try to help the victims of trafficking.

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LIMITED LIABILITY: ITS VALUE IN CRIMINAL LAW

Adopted in 2001, the Criminal Code of Ukraine has laid down a number of progressive changes in the application of criminal law concepts. One of the fundamental concepts of criminal law, around which the discussions of scholars are focused, is the concept of Limited Liability. Limited Liability (diminished sanity) is a term used in the criminal law theory to refer to the mental state of a person whose ability to recognize the nature and social danger of his actions or control them is limited due to the presence of a mental disorder. But there is a problem: a lot of criminals use the concept of limited liability to decrease or even avoid punishment for crimes that they have committed.

The Institute for Limited Liability is relatively new to Ukrainian criminal law. Limited Liability, as well as sanity and insanity, are characterized by two criteria - medical (biological) and legal (psychological), the totality of which gives grounds for the person's limited

liability. The medical criterion of limited liability indicates a certain mental disorder: various kinds of psychopathy, neurotic disorders, personality disorders, residual effects of cranial injury, mental retardation. Such a list at the moment is not exhaustive due to legislative regulation of this issue: "A person is recognized by the court as a person with limited liability if, during committing a crime, such person due to her mental disorder, he was completely incapable to understand his actions (inaction) and (or) control them". A person is recognized by the court as a person with limited liability on the basis of the conclusion of forensic psychiatric examination. In accordance with part 2 of Art. 20 of the Criminal Code of Ukraine limited liability is taken into account by the court during the appointment of punishment. Obviously, this means that committing a crime by a person with limited liability can mitigate the punishment. In my opinion, this wording is blurred and because of that there is an opportunity for criminals to soften their punishment by bribing an expert.

The urgency of the problem of limited liability is determined by two circumstances. The first (psychiatric) is that a person who is subject of a crime may have mental disorders that do not deprive his of the ability to understand and control their actions. Since these disorders relate to the psyche and consciousness, which are the main prerequisites for solving the issue of sanity, they must be somehow taken into account in the administration of justice. The second (legal) circumstance is the unceasing tendency to individualize and mitigate the punishment. The combination of these circumstances determines the main goal that should be achieved by the introduction of the institute of Limited Liability: to determine the legal grounds and mechanisms through which forensic psychiatric examination can make the court understand the value of the mental disorders of the accused, which should be taken into account when making a decision. The important point is that these circumstances should affect the type of punishment rather than soften it. It follows from the purpose of bringing the offender to criminal responsibility that his re-education and prevention of the commission of new crimes in the future are the main goals.

The current legislation provides for several circumstances that mitigate responsibility due to a certain mental state of a person, which in the long term may be considered as the basis for making a decision by court.

First of all, the Criminal Code of Ukraine provides as a mitigating circumstance for committing a crime under the influence of strong emotional distress caused by the unlawful actions of the victim.

Secondly, this same circumstance - a strong emotional distress - intentional murder committed in a state of intense emotional excitement and intentional grave bodily injury, caused in a state of intense emotional excitement. The use of two concepts - "intense" and "strong" - is not explained in the law. An essential component of strong emotional distress is a physiological affect. But because of the lack of signs in the law of the morbid nature of the physiological affection and the lack of a clear, scientifically substantiated theory of limited sense of well-being, the practice of diagnosing such affection has recently raised more and more questions.

Third, the type of intentional murder in mitigating circumstances is the murder by the mother of her newborn child. According to the commentary, this is due to the fact that during the period of labor and some time after, the woman is in a special physical and mental condition, which reduces her ability to fully understand or control her actions. This condition also requires studying from the point of view of compliance with the criteria of the strong disorder and the possibility of taking into account when determining the limited liability of a person.

Finally, in the Code of Criminal Procedure there is a determination of persons who, because of physical or mental defects, can not exercise their right to protection. Under such persons is understood those who are recognized as persons with full liability, but suffer from permanent or temporary disorder of mental activity.

These examples are not determination of limited liability, but, of course, confirm the legal significance of a certain category of mental disorders, which do not exclude sanity. In this sense of fundamental importance comes the question of the form of introducing into the law of the category of limited liability. Some scholars in Ukraine defend the position that involves the inclusion of mental disorders, which limiting the ability of a person to understand their actions or to control them, to a list of circumstances mitigating responsibility.

In my opinion such position is not scientifically substantiated. It only confirms the problem, not taking any step to its practical solution. When a

defendant with limited liability appears before a court and the one who, for example, reveals signs of mental retardation, then without the legislative emphasis on limited liability, it is clear that justice in relation to these persons can not be subject to the same criteria. Therefore, the problem is not to take into account mental disorders that restrict the ability to understand or control their actions, but how to do it.

Taking everything into consideration, I would like to say that the legislator must establish a clear procedure for recognizing a person as a person with limited liability. Such procedure should be monitored and divided into several stages, each of which must be carried out by a separate subject. Such implementation will make it impossible for corruption to influence an expert judgment on limited liability of a person and ensure proper regulation of this procedure. What is more, in addition to the procedure for the recognition of a person as a person with limited liability, a substitute criminal liability for such persons should be established.

References:

1. Осудність // Юридична енциклопедія: [в 6-ти т.] / ред. кол. Ю. С. Шемшученко (відп. ред.) [та ін.] — К.: Українська енциклопедія ім. М. П. Бажана, 2002. — Т. 4: Н — П. — 720 с.
2. Науково-практичний коментар до Кримінального Кодексу України [Електронний ресурс]. — URL* <http://yurist-online.com/ukr/uslugi/yuristam/kodeks/024/020.php>
3. О понятии вменяемости и невменяемости в проблеме борьбы с преступностью: Учебное пособие / И.И. Карпец. - М.: Просвещение, 1984. - 478 с.

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ADMINISTRATIVE PROCEDURE IN THE FIELD OF TOWN-PLANNING ACTIVITIES

To begin with, it is important to clarify the essence and purpose of the institute of town-planning. Town planning (town-planning activities) are the