

STAN NAUKI W OBSZARZE BADAŃ PROBLEMÓW, DOTYCZĄCYCH MOTYWÓW POPEŁNIANIA PRZESTĘPSTW KORUPCYJNYCH ORAZ INNYCH DELIKTÓW KRYMINALNYCH W INSTYTUCJI WYKONYWANIA KAR W UKRAINIE

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Streszczenie. Artykuł naukowy jest poświęcony ważnym kwestiom, dotyczącym motywów popełnienia przestępstw korupcyjnych oraz innych deliktów kryminalnych w instytucji wykonywania kar w Ukrainie. Zagadnienia te w historii współczesnej Ukrainy (1991-2018) badano przez kilka okresów, gdzie każdy z nich miał swoją specyfikę oraz zakres merytoryczny problematyki, poruszanej w pracach naukowców. W postanowieniach artykułu naukowego autor uznaje, że na podstawie przeprowadzonej analizy naukowej stanu badań problemów, dotyczących motywów popełnienia korupcji oraz innych deliktów kryminalnych w instytucji wykonania kar, należy stwierdzić, że na przestrzeni wszystkich czterech, wytyczonych w artykule, okresów reform w zakresie wykonywania kar, oraz uwarunkowanych tym samym poszukiwań naukowych, a mianowicie: pierwszy okres 1991-1998; drugi okres 1999-2010; trzeci okres 2011-2016; czwarty okres od 2017 r. – do chwili obecnej, określona problematyka nie została zbadana w stopniu wystarczającym, co powinno stać się podstawą do kontynuowania badań naukowych nakreślonego problemu, który dotyczy motywów popełnienia przestępstw korupcyjnych oraz innych deliktów kryminalnych w instytucji wykonywania kar w Ukrainie.

Słowa kluczowe: korupcja, przestępstwo, motyw, kara, zakład penitencjarny.

THE STATE OF RESEARCHING IN SCIENCE THE PROBLEMS CONCERNING MOTIVES OF COMMITTING CORRUPTIBLE AND OTHER CRIMINAL OFFENCES IN THE SPHERE OF PUNISHMENT EXECUTION OF UKRAINE

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Abstract. The scientific article is devoted to the important issues of the motives of committing corruption and other criminal offenses in the field of execution of sentences in Ukraine, which were investigated in the modern history of Ukraine (1991-2018) for several periods, each of which had its own peculiarities and scope of meaningful reflection of these problems. in the writings of scholars. The author, in the provisions of the scientific paper, concludes that based on the analysis of the state of research in science on the motives for committing corruption and other criminal offenses in the field of execution of sentences, it is worth noting that all four articles of the reform in the field of execution of sentences are defined in the scientific article and determined in connection with this scientific research, namely: the first period of 1991-1998; second period of 1999-2010; the third period 2011-2016 p .; the fourth period from 2017 - to date, this issue has not been sufficiently investigated, which should serve

as the basis for further scientific research of the identified problem of motives for committing corruption and other criminal offenses in the area of the execution of sentences in Ukraine.

Key words: corruption, crime, motive, punishment, institution of serving a sentence, convicted.

СТАН ДОСЛІДЖЕННЯ В НАУЦІ ПРОБЛЕМ, ЩО СТОСУЮТЬСЯ МОТИВІВ ВЧИНЕННЯ КОРУПЦІЙНИХ ТА ІНШИХ КРИМІНАЛЬНИХ ПРАВопорушень У СФЕРІ ВИКОНАННЯ ПОКАРАНЬ УКРАЇНИ

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Анотація. Наукова стаття присвячена важливим питанням мотивів вчинення корупційних та інших кримінальних правопорушень у сфері виконання покарань України, які досліджувались у сучасній історії України (1991-2018 р. р.) на протязі декількох періодів, кожен із яких мав свої особливості та обсяг змістовного відображення означених проблем у працях учених. Автор у положеннях наукової статті робить висновок, що виходячи з проведеного аналізу стану дослідження в науці проблем, що стосуються мотивів вчинення корупційних та інших кримінальних правопорушень у сфері виконання покарань, варто констатувати, що у всі визначені у науковій статті чотири періоди реформ у сфері виконання покарань та обумовлених у зв'язку з цим наукових пошуків, а саме: перший період 1991-1998 р. р.; другий період 1999-2010 р. р.; третій період 2011-2016 р. р.; четвертий період з 2017 р. – по даний час, зазначена проблематика була не достатньо досліджена, що й повинно стати основою для подальшого наукового дослідження визначеної проблеми мотивів вчинення корупційних та інших кримінальних правопорушень у сфері виконання покарань України.

Ключові слова: корупція, злочин, мотив, покарання, установа відбування покарання, засуджений.

A problem statement in general and its connection with important scientific or practical tasks. As the results of scientific literature analyses showed the motives of committing corruptible and other criminal offences in the sphere of punishment execution of Ukraine were investigated on the doctrinal level in modern history of Ukraine (1991-2018) during several periods each of which had some peculiarities and the scope of profound reflection of the above mentioned problems in scientists' works.

An analysis of recent research and publications, which began the solving of this problem, the allocation of previously unsolved parts of the general problem. The theoretical basis of this article is the works of Ukrainian scientists in the field of criminology, namely: V.V. Golina, A. M. Kostenko, V.G. Likholob, Yu.V. Baulin, A.M. Gumin, O.G. Kolb, O. M. Litvak, O. Dudorov, S. Yu. Lukashevich, A. V. Savchenko, N. M. Yarmish, I. M. Kopotun, I. S. Yakovets and others.

The presentation of main material. The first period of scientific researches was during 1991 and 1998 when the bodies and PEI belonged to Ministry of Internal Affairs of Ukraine. But despite the fact that the structure of main administration of punishment execution of Ministry of Internal Affairs of Ukraine included Kyiv Institute of Internal Affairs, experts of which investigated various aspects of criminal and executive activity and also published their scientific findings in the special bulletin "Problems of

penitentiary theory and practice” (*Problemy penitenciarnoyi teorii i praktyky*, 1996. 119 p.), both officers of bodies of internal affairs (experienced staff of territorial bodies of internal affairs) and administration of internal affairs (personnel inspection, in particular) and Ministry of Internal Affairs of Ukraine at large, and scientists mostly of militia character (*Bibliografiya (kryminologiya ta profilaktyka zlochyniv)*, 2008, p.44-56) dealt with the questions of preventing corruptible and other criminal offences in the sphere of punishment execution. The scientists of other scientific and educational institutions didn't remain aloof from this process (*V. K. Gryshhuk, B. O. Kyrys, O. F. Paska*, 2009, p.306-365). On the whole, as the research ascertained, theoretical and methodological principles of preventing corruptible and other criminal offences committed by the workers of bodies of internal affairs of Ukraine, including the personnel of bodies and PEI, were formulated and scientifically substantiated in theses for the degree of Doctor of Law (speciality 12.00.08 – criminal law and criminology; criminal and executive law) of such scientists criminologists as:

a) V.V. Holin, who clarified the matter and formulated theoretical and practical principles of special and criminological preventing crimes in his work “Special and criminological prevention of crimes: theory and practice”, which was of great applied importance in the context of organizing and realizing measures of preventing corruptible and other criminal offences, subjects of which were the people experienced in the substance of operative and investigative, investigatory and forensic activity, and also in tactical and strategic techniques of crime investigation, aimed at revealing the motives of criminal activity of guilty people (*Golina V. V.*, 1994, 44 p.).

b) O.M. Kostenko in his thesis “Criminal’ will and consciousness (research using the principle of naturalism)” studied criminal’s will and consciousness (as natural and integral components of person’s subjective attitude towards committed socially dangerous act), using the principle of naturalism (1995) and proving thus the necessity of more profound study of motives and motivation of criminal behavior of the person guilty of committing criminal offence (*Kostenko O. M.*, 1995, 46 p.).

c) V. H. Lykholob in his thesis “The problems of efficiency of law enforcement activities of bodies of internal affairs in crime fighting (criminological, theoretical and legal aspect)” through studying criminological, theoretical and legal aspects of the efficiency problems of law enforcement activities of the bodies of internal affairs in crime fighting determined and substantiated doctrinal principles of preventing corruptible and other criminal offences, including those committed by the workers of bodies of internal affairs, by the staff of punishment execution bodies and institutions (1992) (*Lyxolob V. G.*, 1992, 41 p.).

Considerable theoretical and methodological basis for elaborating the problems of preventing corruptible and other criminal offences in the sphere of punishment execution was created by the scientists of criminal law, namely: Yu.V. Baulin in his work “Criminal and legal studies problems of the circumstances eliminating crimes (social danger and illicit acts)” investigated criminal and legal problems of studies about the circumstances causing criminal (social danger, crimes) actions (1991), including those connected with the police activities (criminal arrest and urgency, in particular) (*Baulyn Yu. V.*, 1991, 41 p.) thus creating corresponding applied principles of lawful behavior of the above mentioned people in the corresponding situations, precisely determined by law. The scientists of other similar fields of the law created also significant theoretical and applied principles concerning the same problem.

Besides, it's worth stating that in the first period of scientific researches the results of theses for Master's degree (speciality 12.00.08 – criminal law and criminology; criminal and executive law) on the corresponding topic were the closest to solving the problems connected with preventing corruptible and other criminal offences committed in the sphere of punishment execution. They were as follows:

1) O.M. Gumin "The problems of drug-addiction fighting with convicts in correctional labour centres" (1997) considered the illicit activity of these institutions personnel in committing corruptible and other criminal offences as one of the problems (*Gumin O. M., 1997, 18 p.*).

2) O.H. Kolb "Prevention of legal offences among minors confinement places of Ministry of Internal Affairs of Ukraine" (1997) called neglect of official duties by the staff in these places one of the circumstances promoting those people to commit illegal acts (*Kolb O. G., 1997, 23 p.*).

3) O.M. Lytvak "Criminality in Ukraine: state, tendencies, counteractions.(1992-1995)" (1997) studied illegal (criminal) activity of policemen (*Lytvak O. M., 1997, 26 p.*).

4) O.M. Martynenko "Criminological problems of motives and motivation of hooliganism"(1997) determined main serious elements of motives and motivation of criminal activity in criminological aspect, that is of great importance for solving problems in this monograph (*Martynenko O. A., 1997, 23 p.*).

5) O.M. Tarasenko "Efficiency of preventing crimes by bodies of internal affairs" (1996) suggested some evaluation criteria of preventive activity results (*Tarasenko O. M., 1996, 24 p.*) used in this research for defining efficiency criteria of preventing corruptible and other criminal offences in the sphere of punishment execution.

6) V.B. Vasylets "Legal and criminological problems of preventing escapes of convicts from correctional labour institutions" (1996) considered illegal neglect of the institutions personnel as one of determinants which promote committing these criminal offences (*Vasylecz V. B., 1996, 20 p.*).

7) O.O. Dudorov "Problems of criminal responsibility for taking a bribe" (1994), this work directly concerns the investigated problem in this monograph - that is motives of committing corruptible and other criminal offences in the sphere of punishment execution (*Dudorov O. O., 1994, 23 p.*).

8) V.S. Lukomsky "Criminal responsibility for bribery and mediation in bribery" (1996) investigated the motives of the crime (*Lukomskyj V. S., 1996, 28 p.*).

9) V.I. Osadchyi "Criminal responsibility for inflicting physical injuries on policemen.(Article 189-4 Criminal Code of Ukraine)" (1994) thoroughly studied the motivation of criminal behavior of the people who infringed on health of the above mentioned category of victims (*Osadchyj V. I., 1994, 23 p.*).

As it appears in the course of this scientific work the situation with the problem under consideration did not change much in the second period (1999-2016) either, though the amount of topical researches considerably increased. The peculiarity of this period was influenced by some circumstances, namely:

1) partial withdrawal of PEI State Department from subordination of Ministry of Internal Affairs of Ukraine in April 1998 (*Pro utvorennya Derzhavnogo 1998.*); the Decree of the President of Ukraine approved Provisions of PEI State Department (*Pro Polozhennya 1998*) and granting independent status to the above department in the system of central bodies of state executive power in March 1999 (*Pro vyvedennya1999. p. 24.*);

2) adopting instead of Correctional and Labour Code of Ukraine (*Pro zatverdzhennya Vypravno-trudovogo kodeksu Ukrayinskoyi RSR, 1970*) Criminal and Executive Code of Ukraine (*Kryminalno-vykonavchij kodeks Ukrayiny 2003*) in July 2003;

3) adopting the Law of Ukraine “On State Criminal and Executive Service of Ukraine “ in June 2005 (*Pro Derzhavnu kryminalno-vykonavchu sluzhbu Ukrayiny, 2005*); 4) approval of nation-wide Programme of adapting legislation of Ukraine to legislation of the European Union (*Pro zagalnoderzhavnu programu adaptaciyi zakonodavstva Ukrayiny ... 2004*) and other normative and legal acts in the sphere of punishment execution (*A. X. Stepanyuk, I. S. Yakovecz, 2005, p.10-15*).

Among scientific elaborations of criminal and executive character in the period 1999 – 2010 there are some substantial elements concerning the content of preventing corruptible and other criminal offences in the sphere of punishment execution, which are treated in the theses of A. Kh. Stepaniuk “Pressing problems of punishment execution (essence and principles of criminal and executive activity: theoretic and legal research)” (*Stepanyuk A. X., 2002, 34 p.*); I. H. Bohatyriov “Criminal punishment not connected with imprisonment (theory and practice of their execution by criminal executive inspection)” (*Bogatyrov I. G., 2006, 32 p.*) and O. H. Kolba “Punishment execution institution as a subject of preventing crime” (*Kolb O. G., 2007, 32 p.*). Considerable theoretical, methodological and practical background of the problem under discussion was created in this period in researches of scientists of criminal and executive law. Thus, in 2005 Ye. M. Bodiul presented his thesis “Legal and organizational principles of punishment execution on open criminal and executive institutions” where he investigated among others some aspects concerning preventing corruptible and other criminal offences in the sphere of punishment execution (*Bodyul Ye. M., 2005, 18p.*). Then V.A. Liovochkin considered this question in the context of normative and legal organizational principles of ensuring realization in Ukraine international standards of rights and freedoms of imprisoned convicts (2002) (*Lovochkin V. A., 2002, 18 p.*) and O.B. Ptashynsky studied legal problems of reforming penitentiary system in Ukraine (2002) (*Ptashynskij O. B., 2002, 18 p.*).

Scientists of criminal law examined some aspects of preventive activity connected with crime of punishment execution institution personnel in the corresponding period (1999-2010). It is about Doctoral theses of such scientists as: O.V. Navrotsky, who worked out theoretical problems of criminal and legal qualification (2000), which is important in the context of determining legitimate actions or personnel’s inactivity in the sphere of punishment execution (*Navroczkij V. O., 2000, 35 p.*); V.I. Osadchy, who substantiated ways of solving the problems of criminal and legal protection of law enforcing activity (2004), including the problems of preventing corruptible and other criminal offences in the sphere of punishment execution (*Osadchij V. I., 2004, 36 p.*); A.B. Savchenko, who did comparative analysis of criminal legislation of Ukraine and federal criminal legislation of the United States of America (2007), which is important for studying and applying foreign experience to national criminal and executive practice (*Savchenko A. V., 2007, 36 p.*); P.L. Fris, who cleared up the content of criminal and legal policy of Ukraine and proved its dialectical link and interaction with other kinds of policy in the sphere of crime fighting (criminal and procedural, criminal and executive, and criminological (2005), which is of great importance for preventing corruptible and other criminal offences in the sphere of punishment execution (*Fris P.*

L., 2005, 35 p.); M.I. Khavroniuk, who conducted detailed analysis of criminal legislation of Ukraine and other states of continental Europe (2007) and thus created theoretical and applied background for improving national criminal and executive practice taking positive European experience into consideration (*Xavronyuk M. I., 2007, 36 p.*) and N.M. Yarmysh, who solved the problems on the doctrinal level concerning relationship of cause and effect in criminal law, applying philosophical and legal analysis method (2003), including criminological aspects of this research (*Yarmysh N. M., 2003, 40 p.*).

As the given research results demonstrated, first the problem under consideration was chosen as an object and subject of a separate scientific work in the third period of scientific researches in the sphere of punishment execution (2010-2016). For all that its content was influenced by a number of circumstances, as follows:

1) partial subordination of SCES of Ukraine to Minister of Justice according to Decree of the President of Ukraine “On optimization of the system of central bodies of executive power in Ukraine” on December 9, 2010 (*Pro optymizaciyu systemy centralnykh organiv vykonavchoyi vlady ... 2010*), who instead of activity coordination of newly formed SPSU as the central body of executive power realizing state policy in the sphere of criminal punishment execution (SPEDU was before) formed corresponding subdivisions under total subordination of bodies and PEI to mentioned department;

2) Provisions of state penitentiary service of Ukraine approved in April 2011, according to which SPSU remained the only body of executive power realizing state policy in the sphere of punishment execution (*Pro zatverdzhennya Polozhennya pro Derzhavnu penitenciarnu sluzhbu Ukrayiny 2011*), besides, the corresponding structural subdivisions of Ministry of Justice acted in parallel in this direction, a peculiar “dual power” was created in the SCES system of Ukraine, that had absolutely negative influence both on the level of operational and official activity of bodies and PEI, and on the content and direction of scientific research in the defined sphere of social relations;

3) authority transfer of the central body of executive power realizing state policy in the sphere of punishment execution in October 2012 from SPSU to Ministry of Justice of Ukraine according to Law of Ukraine “On changes and supplements to some normative and legal acts concerning criminal punishment execution” (*Pro vnesennya zmin i dopovnen u deyaki normatyvno-pravovi akty z pytan vykonannya kryminalnykh pokaran ... 2012*), which changed vectors and direction of scientific researches in the mentioned sphere of social activity;

4) liquidation of territorial administration bodies of SPSU in May 2016 and formation of 5 interterritorial administration of Ministry of Justice of Ukraine instead of them according to the corresponding Resolution of Cabinet of Ministers of Ukraine (*Pro likvidaciyu terytorialnykh organiv upravlinnya Derzhavnoyi Penitenciarnoyi Sluzhby ta utvorennya terytorialnykh organiv Ministerstva Yustyciyi... 2016*), that is actual subordination of SCES of Ukraine to the mentioned department, and it is when normative and legal acts which don't correspond to this decision have been valid up till now, namely: Provisions of State penitentiary service of Ukraine (2011) (*Pro zatverdzhennya Polozhennya pro Derzhavnu penitenciarnu sluzhbu Ukrayiny ...2011*); Law of Ukraine “On State criminal and executive service of Ukraine” (23.06.2005) (*Pro Derzhavnu kryminalno-vykonavchu sluzhbu Ukrayiny 2005*) and at last p. 14 Article 92 of the Constitution of Ukraine, according to which the activity of bodies and PEI is regulated only by laws.

All this could not but affect legal order in SCES of Ukraine, especially official discipline of body and PEI staff (the amount of crimes increased by 50% in 2016 compared to 2010 (*Xto vidbuvatyme pokarannya za vtechu uv'yaznennyx z Odeskoyi koloniyi, ...*), and it affected to some extent positively the level and meaningfulness of scientific works concerning prevention of corruptible and other criminal offences in the sphere of punishment execution. Thus, in 2011 T.A. Denysova defended the thesis for Doctor's degree (speciality 12.00.08 – criminal law and criminology; criminal and executive law), Part 4 of which was devoted to preventive function of punishment, according to research results the conclusion was made that practically there were no vertical measures (of legal, organizational, administrative and economic character) concerning prevention of corruptible and other criminal offences in imprisonment places, and it was proved that prevention system must be created on every level of administration activity. The very lack of such a system, according to T.A. Denysova, is one of the reasons of committing corruptible and other criminal offences in the sphere of punishment execution (*Denysova T. A., 2011, p.18-19*). In the same year a group monograph “Criminological, operation and search principles of preventing crimes and offences committed by penal colony personnel” (edited by V.V. Kovalenko, professor, Doctor of Law, corresponding member of National Academy of Law Sciences of Ukraine) was published where criminological characteristics of crimes and offences committed in the above institutions in years 2005-2010 was presented for the first time, apart from closed publications with limited access. Particular importance of this work consists in the fact that its authors tried to determine main factors causing committing crimes and offences in the sphere of punishment execution (*Kovalenko V. V., 2011, p.61-93*). Along with this it is worth stating that questions of motives and motivation of criminal behavior of the above people in this monograph were not considered, but their essence was studied in the context of the very determination of illegal activity of penal colony staff. O.H. Kulyk created a profound methodological background in 2011-2013 defining modern methods of apprehending tendencies and regularity of crimes in Ukraine from 1992 to 2013 including (*Kulyk O. G. 2013*).

130.). Thus, in the monograph “Criminality in Ukraine: tendencies, regularity, apprehension methods (2011) he carried out criminological analysis of crimes committed in 2002-2009, devoting Part 3 to the crimes in the sphere of official activity, particularly to those whose was bodies and PEI staff (*Kulyk O. G. 2013, p.113-120*). Unfortunately, O.H. Kulyk did not inquire into the motives of committing corruptible and other criminal offences by the category mentioned in this period (*Kulyk O. G., 2011*). He didn't do it in another monograph “Criminality in Ukraine at the beginning of the 21st century” (2013) either (*Kulyk O. G., 2013, 272 p.*).

According to this work more scientific researches on the problem of preventing corruptible and other criminal offences in the sphere of punishment execution appeared in 2013. Thus, I.M. Kopotun in his monograph “Preventing crimes causing extraordinary situations in penal colonies” did not only give criminological characteristics of crimes causing extraordinary situations in penal colonies (Part 3), among others he defined their reasons and conditions (p.3.2), but worked out scientifically substantiated measures of their prevention (Part 5) (*Kopotun I. M., 2013, 472 p.*). However, both in this work and in Doctoral thesis I.M. Kopotun did not study the motives of committing offences in the sphere of punishment execution (*Kopotun I. M., 2014, 510 p.*). O.I. Bohatyriova monograph “Theoretical and applied principles of

probation introduction in Ukraine” (2013) considers prevention problems more generally, according to her, one of the probation service activity tasks is connected with preventing corruptible and other criminal offences in the sphere of punishment execution (pp.1.3., 3.2., 4.1) (*Bogatyrova O. I., 2013, 368 p.*). At the same time O.P. Riabchynska in Doctoral thesis “Theoretical and legal principles of punishment system functioning in Ukraine” besides mentioned questions, determined punishments system efficiency and some of their optimization, including crime prevention (P.5), and stated that each of punishment purposes determined by law influences efficiency index, irrespective of the punishment used: from fines to imprisonment for life (*Ryabchynska O. P., 2013, p.29*). Process optimization in criminal punishment execution in Ukraine including prevention became the subject of research in I.S. Yakovets Doctoral thesis. Besides, according to the research results, materials in the textbook “Criminological principles of crime prevention in punishment execution institutions of Ukraine (penitentiary criminology)” (*Yakovec I. S., 2013, 32 p.*) (edited by O.M. Dzhuzhi, professor, Doctor of Law) approached closest the tasks of the given scientific research (*Dzhuzha O. M., 2013, 620 p.*). The information set forth in Part 2 “Criminality in punishment execution institutions of Ukraine”; in P.5 “Victimological principles in punishment execution institutions” and in P.6 “Special criminological preventing crimes in criminal executive (penitentiary) institutions” is of special theoretical and applied importance, because specific scientifically substantiated measures of preventing corruptible and other criminal offences in the sphere of punishment execution are elaborated in them.

Scientific researches in the sphere of punishment execution continued in 2014. The manual “Criminological principles of preventing crimes of corruptible character in the penitentiary system of Ukraine” edited by O.H. Kolba, professor, Doctor of Law, was published in 2014, where criminological characteristics of such crimes was given (Part 2: quantitative and qualitative indices (p.2.1); their reasons and conditions (p.2.2) and criminal’s characteristics (p.2.3), as well as Part 3 “Measures of preventing crimes of corruptible character in the penitentiary system of Ukraine” (general and social, special and criminological, individual) which became empirical background of the given scientific work (*Kolb O. G., 2014, 196 p.*). I.O. Kolb monograph “Ensuring personal security of convicts in penal colonies of Ukraine” published in 2014 was of great importance for solving tasks defined in this work, in which official position abuse by PEI personnel is defined as one of negative factors connected with this activity (p.2.4), and measures of control and supervision of PEI personnel are among main ways of improving legal mechanism of the problems under discussion (3.2) (*Kolb I. O., 2014. 292 p.*). V.Ya. Konopelsky monograph “Differentiation and individualization of punishment execution – imprisonment: conception, content, realization in criminal and educational activity of Ukraine” was a considerable methodological background for reaching the purpose of the scientific work under consideration, especially Part 4 “Role and place of differentiation and individualization principle in legal mechanism of realizing the purpose and tasks of criminal and executive legislation of Ukraine” in which the necessity of increasing prevention efficiency in the sphere of punishment execution is substantiated (*Konopelskyj V. Ya., 2014, 474 p.*). V.Ya. Konopelsky expressed the same idea in his Doctoral thesis (*Konopelskyj V. Ya., 2014. 34 p.*).

Scientists received rather qualitative theoretical and applied results of the defined problem in 2015. Special attention should be paid to the following ones: 1)

suggestions of SPSU activity Priorities for 2015, particularly Priority 2 “Increasing crime counteraction efficiency, improving security, organizing supervision of convict behavior and the people under arrest in the bodies and institutions belonging to SPSU”, and Priority 7 “Increasing activity efficiency of bodies and PEI and investigative isolation ward” (*Propozyciyi shhodo Priorytetiv diyalnosti Derzhavnoyi penitenciarneyi sluzhby Ukrainy na 2015 rik ... 2015, 11 p.*); 2) V.H. Pavlov’s Master’s thesis “Criminal and executive principles of ensuring punishment execution – imprisonment – by the personnel of State penitentiary service of Ukraine” which clarified social and legal essence of SPSU personnel as a subject of criminal and executive relations (p.1.2.), and elaborated scientifically substantiated criminal and executive directions promoting improvement of criminal and executive service of Ukraine, taking into consideration the factors influencing its activity in a negative way (low professionalism, incompetence of a part of PEI personnel, its professional deformation, etc.) (p. 3.2.) (*Pavlov V. G., 201., 20 p.*). 3) Yu.P. Stepanova Master’s thesis “Criminal and executive principles of punishment execution and imprisonment for a certain time concerning previously convicted people”, in which ways of legal mechanism improvement, including changes in policy content in the sphere of punishment execution (p.3.1.) and punishment execution efficiency are elaborated (p.3.3.) (*Stepanova Yu. P., 2015, 19 p.*); 4) O.M. Kruk Master’s thesis “Legal regulating short-term departure beyond colonies”, p.3.2. is devoted to main steps of increasing control efficiency level of convict behavior during short-term departure beyond colonies (*Kruk O. M., 2015, 18 p.*); 5) O.V. Okman Master’s thesis “Legal regulating use of physical measures influence, special measures and weapon towards the convicts in imprisonment places in Ukraine” in which legal principles of PEI personnel activity (p.2.3.) and ways of improving real practice (p.3.2.) are emphasized (*Oxman O. V., 2015, 20 p.*); 6) O.M. Dzhuzha monograph “Preventing victimological paradigm”, in which the content of victimological determination in the mechanism of committing a crime (2.3.) and of professional victimization (3.3.) are defined, main victimological factors in the content of criminogenic situation are established and scientifically substantiated classification of measures of influencing it by law enforcement bodies including PEI is carried out (4.1.) (*Dzhuzha O. M., 2015, 332 p.*); 7) other scientific works (for example, informative and analytical materials “Efficiency of criminal and legal regulation in Ukraine” prepared by M.V. Karchevsky (*Karchevskyj M. V., 2015, 48 p.*).

In the course of the research it was ascertain that scientists’ results in the previous periods (1999 -2016) were presented in scientific researches in 2016 and in the fourth period of reforms in the sphere of punishment execution embracing 2017 and further years. Here we should mention V.V. Lopakha thesis “Preventing crimes committed by penal colony personnel”, where the crimes of 2005-2014 (p.2.2) are analyzed, main determinants promoting them are defined (p.2.3.) and principal directions of improving their prevention are worked out (p.3) (*Lopoxa V. V., 2016, 18 p.*). Along with this, some essential moments remained out of attention, they are: a) firstly, the content of modern period of reforms in the sphere of punishment execution was not depicted, as it began with total subordination of SCES of Ukraine in May 2016 according to the corresponding resolution of the Cabinet of Ministers of Ukraine (*Pro likvidaciyu terytorialnyx organiv upravlinnya Derzhavnoyi penitenciarneyi sluzhby ta utvorennnya terytorialnyx organiv Ministerstva yustyciyi : ... 2016*), and this period stipulated for the content of new scientific works concerning punishment execution and serving service

and greatly influenced prevention efficiency in the sphere of punishment execution; b) secondly, only penal colony staff illegal activity was analyzed while crimes in the sphere of punishment execution were committed by other PEI people, mentioned in art.11 of CEC of Ukraine (prisons, correctional institutions, educative colonies and IIW); 3) thirdly, motives and motivation of criminal behavior in the sphere of punishment execution are not studied enough in this scientific work - this problem is generally analyzed only in terms of main determinant content, that is, makes it necessary to encourage scientific researches on the defined problem, and at the same time determines the content of theoretical and practical significance of this work. Among other scientific works in 2016-2017 Ya.O. Likhovitsky works take special place, as he elaborated the problems treating prevention of corruptible and other criminal offences in the sphere of punishment execution, namely: 1) scientific articles “On some substantial elements of preventive activity of state criminal and executive service of Ukraine (*Lixoviczkyj Ya. O., 2016, p. 166-174*); “On some international, legal and domestic approaches to humanism principle realization in colony personnel activity” (*Lixoviczkyj Ya.O., 2016, p. 34-41*); “On some organizational and legal principles of preventing by public prosecutor’s office crimes committed in the sphere of punishment execution” (*Lixoviczkyj Ya. O., 2016, p. 98-104*); “On some qualificational requirements imposed on the staff of bodies and PEI of Ukraine” (*Lixoviczkyj Ya. O., 2016, p. 134-141*) and others; 2) monograph “Personnel of bodies and punishment execution in Ukraine” (*Lixoviczkyj Ya. O., 2017, 556 p.*); 3) monograph “Crimes committed by the personnel of State criminal and executive service of Ukraine: criminological characteristics and prevention” (*Lixoviczkyj Ya. O., 2017, 584 p.*), etc. But in this scientific publication the author didn’t study enough the motives of committing corruptible and other criminal offences in the sphere of punishment execution, considering this problem only in the context of determinants which promote this phenomenon. But Ya.O. Likhovitsky several articles are an exception, particularly “Characteristics of criminal behavior motives of the personnel of State criminal and executive service of Ukraine in the sphere of official activity” (*Lixoviczkyj Ya. O., 2016. p. 172-179*); “On the content of corruptible crime individual prevention” (*Lixoviczkyj Ya. O., 2017. p. 121-122*); “Applying integrative approach to criminal behavior motives analysis of personnel of SCES of Ukraine in the sphere of official activity” (*Lixoviczkyj Ya. O., 2017. p. 80-83.*) and others. Some serious criminal behavior motives and motivation elements in the sphere of punishment execution are described in the group monograph “Preventing crimes committed by the personnel of State criminal and executive service of Ukraine in the sphere of punishment execution” (2017) (edited by V.V. Kovalenko, professor, Doctor of Law, corresponding member of Academy of Law Sciences of Ukraine) (p.2.2.) (*Savchenko A. V., Kolb O. G., Konopelskyj V. Ya., 2017. 526 p.*), these elements are used as theoretical and methodological background for solving tasks of this research and receiving its purpose.

As a **conclusion** so, taking the analysis of scientific researches of the problems concerning motives of committing corruptible and other criminal offences in the sphere of punishment execution into consideration, it should be stated that the mentioned problem neither as an object nor as a subject of defended theses during 4 periods of reforms in the sphere of punishment execution was not considered. This fact became crucial for choosing the theme of this scientific work and also for defining its purpose and tasks.

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