

ABSTRACTS

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HOOLIGANISM AS THE COMPOSITION OF AN ACT PROVIDING FOR LEGAL LIABILITY REFORM IN SUBSTANTIVE AND PROCEDURAL LAW OF UKRAINE ON ADMINISTRATIVE AND CRIMINAL LIABILITY

The article examines the reasons for the application of criminal liability and administrative liability for hooliganism. We study the doctrinal views on the basis of legal liability for bullying.

Argued that the distinction between administrative and misdemeanor punishable act that serve basis for the application of legal liability for hooliganism so vague that it is almost impossible to install (except when accompanied by bullying other illegal acts, such as bodily injury, etc.). In most cases, says the author of the survey of offenses legislator refers to the moral certainty of the authorized official who has the right to make administrative violations or open criminal proceedings. In the author's view is incorrect, creates subjectivity in the approach to training, eliminating legal practice uniqueness. The author states that in such circumstances there is one reason and the two types of legal liability. At the same time that the responsibility to apply, solves one person (the officer be authorized by administrative records, or a person empowered to open criminal proceedings wool, and it's not even the court).

Given the above, the author proposes to exclude from the legal practice of evidence establishing different types of legal liability for the same reason. Proposed for adoption the Law of Ukraine on criminal offenses into account these factors and to include its content standards that determinations of responsibility for the conduct, together with the following composition excluded from the list of administrative offenses. Or, alternatively, details of rules that establish prohibitions Law of the offenses for which legal liability is established, and then the person shall be subject to state coercion. This approach ensures an unambiguous approach to the application of the types of legal liability, eliminate possible abuses by officials in making decisions about the use of any sort of legal responsibility.

The analysis proposes to establish a kind of legal liability for bullying or refine the objective side of the act that will serve as the basis for the division of legal liability for hooliganism.