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**SPECIFIC ISSUES OF GLOBALIZATION PROCESS IN CRIMINAL LAW OF UKRAINE**

Globalization is a process of the worldwide economic and cultural integration and unification. The major consequences of the globalization processes are specialization of labour, migration of capital, human, and production resources at a global scale, standardization of legislation, environmental and technological processes, and cultural approximation of various countries. Marked as consistent, this is an objective process, covering all spheres of social life. The globalization leads to that the world is getting more coherent and more dependent on all the globalization process players, while the problems common for all the countries are increasing.

As for globalization in the criminal law domain, we consider that it manifests in the process of legislation harmonization aimed at approximating regulatory prescriptions to meet international, European, and national legislative standards. Harmonization contributes to achieving the mutually agreed legal systems and legal institutes or their structural parts in the framework of a certain community. It aims, first of all at eliminating conflicts of law that might emerge due to existence in national legal systems of divergent approaches to these or those social problems in external legal relations of relevant subjects. Secondly, it is oriented toward making for creation in certain areas, such as, human rights, economy, ecology, of uniform legal standards, principles, and rules providing the basis for a uniform policy of the Member States to international communities in these domains.

Harmonization of legislation implies various forms (adaptation, implementation, and standardization). Moreover, it is sometimes difficult to differentiate the harmonization process from the unification one, as the basic methods for unification in the field of law imply systematization of the provisions of a national legislation, transposition of the provisions of international and European laws into the national legislation, its adaptation to the requirements of the international and European standards.

There shall be distinguished such scientific methodological rationale for harmonization as consistency, completeness, integrity, proportionality, coherence, and excellence.

Nowadays, development of scientific fundamentals of harmonization of the Ukrainian national criminal and legal system is of special topicality, as Ukraine has joined a whole range of international agreements, EU Association Agreement. Thus, Ukraine is obliged to comply with the standards directly related both to its membership in international organizations and to its aspirations for becoming a Member State to European Union.

Already now, the globalization process is certainly more likely to become irrevocable, at least for Ukraine, and the issue of whether it should be assessed as unequivocally positive or negative one will not receive a definite answer, if only because this process as a general worldwide phenomenon should be viewed as objective reality.

However, what refers to criminal law and national criminal and legal doctrine, there arises a range of questions to be answered unambiguously. Anyway, it is possible to make efforts to analyse the situation and answer the questions related to whether the process of approximation of various legal systems leads to destruction or levelling of national traditions in the criminal law of this or that country or not.

Among such questions is the issue of inclusion of the provision for criminal responsibility of legal entities into the Criminal Code of Ukraine. Pursuant to Article 963  of CC of Ukraine, legal entities and their authorized representatives acting on behalf thereof shall bear responsibility for specific offences, with the provisions related thereto being listed in the texts of Article 963 of CC of Ukraine. This innovative legislation, in fact, introduces into the criminal legislation a range of new institutes related both to essential elements of a crime as a reason for criminal responsibility and to the institute of the measures of criminal and legal nature. This is because legal entities neither are subject to punishment in the ordinary sense of this word, nor Article 966 of CC of Ukraine provides for punishment, save for the types of the measures of criminal and legal influence. At the same time, such authorized representatives are subject to punishment provided for in the sanctions of relevant Article. The draft laws on criminal responsibility of legal entities have been subject to the examination in the European Union, and the experts from Slovenia, Estonia, and Croatia arrived at conclusions that these draft laws have incorporated the majority of the existing international standards, and that they will help Ukraine join the countries with a large historical account of fighting corruption. However, none of the experts has noted that these laws are the examples of inconsistency with the doctrine of the national criminal law and the criminal legislation of Ukraine.

One should also note that the practice to apply the provisions on holding legal entities liable does not exist currently, while the corruption level in Ukraine is growing from year to year. This proves, once again, the fact that the amendments to the criminal legislation, remaining as such, will not lead to a reduced corruption level in political and economic domains of the country.

The essence of the laws should comply, first, with fundamental principles of the legal system of Ukraine, which is a basic condition to be taken into account when deciding on the scope and content of the adaptation and implementation measures oriented toward the accurate and correct application of conventional provisions. Large-scale and numerous amendments made to the Criminal Code of Ukraine cannot ensure achievement of the objectives declared in that regulatory act. Instead of simple and available consistent proposals, the amendments are made in the way that is not based on the domestic criminal and legal doctrine, which results in groundless and essential complication of the effective articles of CC of Ukraine and weakening of their effect.

The Law of Ukraine No. 1808-VI of 11.06.2009 “On Amendments to Some Legislative Acts of Ukraine on Responsibility for Corruption Offences” and CC of Ukraine should have been, since 1 January 2011, supplemented with a Chapter VII-А “Offences in the Field of Official Activities in Legal Entities of Private and in Professional Activities Related to Public Services Provision”. It was intended to provide therein the criminal responsibility for abuse of authority, excess of authority, and abuse of authority by the persons providing public services. This Law never has taken effect, but the responsibility for those acts has remained in practice. In 2011, the Law of Ukraine No. 3207-VI of 07.04.2011 modified the title of Chapter XVII. It previous title had been “The Offences in Official Activities”, which now is “The Offences in Official Activities and Professional Activities Related to Public Services Provision”. The major part of these articles has undergone amendments but this has not lead to optimization of the regulatory bulk. Although all the modifications were being made for the purpose of harmonization of domestic legislation with the European one in reference to corruption, they can be said to be neither successful nor perfect. The speed of adjustment of the provisions of CC of Ukraine to the European legislation has resulted in that the existing provisions have become scientifically unjustified, whereas the process of introducing them into the text of CC of Ukraine has been marked as inconsistent.

Some of the compositions thereof are dead provisions, as there exists such phenomenon as immunity of a certain scope of persons, who themselves are the primary perpetrators of corruption offences.

The foregoing allows for making a conclusion that adoption of new laws, apart from anti-corruption ones only, under the pressure of European organizations is another negative result of the globalization process, when the laws are adopted formally, whereas the country, in fact, lacks the mechanism for their application. This, in its turn, leads to such phenomenon as reforming the legal system of the country, exercised at the legislative level only, without being actually applied in practice.