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УДК 343 (043.2)

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CRIMINAL PROTECTION OF LABOUR RELATIONS

The criminal legal protection of human labour rights from socially dangerous attacks is a necessary component of the mechanism for their implementation and State protection, and must be ensured through a unified and harmonized system of criminal law. The criminalization of certain acts often arises from the impact of the adoption of relevant international legal instruments in a particular area. The scope of labour rights is no exception. Thus, in the Convention on Forced or Compulsory Labour (1903). It is stated that it is necessary to establish criminal penalties for unlawful involvement in forced or compulsory labour. With the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (1979) States parties should impose sanctions for dismissal on the basis of pregnancy or maternity leave, etc. in Ukraine since 1922. Since the introduction of the first Penal Code, human labour rights have been protected by criminal law. In the current Criminal Code, the protection of these rights is strengthened. In addition, the types of acts that are considered criminal are established, in particular, the number of norms criminalizing violations of labour rights has been increased, the amount of their sanctions has been increased, and two sections of the Special Part of the Criminal Code are devoted to crimes against labour human rights. However, the analysis of criminal law rules establishing responsibility for violations of labour rights requires certain changes and clarifications. The issues to be investigated in the definition of crimes against labour rights in the system of the Special Part relate to the definition of the generic object of the crimes under study and the definition of the system of crimes that infringe on labour rights [1].

The need for such protection by criminal means is obvious, as it is these rights that ensure the progress of society in all spheres of its life. However, the process of placing a facility under criminal protection cannot be regarded as random. This process is subject to strictly defined objective patterns [2, 77].

The subject of criminal legal protection is those social relations protected by the criminal law, the subjects of which have not yet suffered significant harm from socially dangerous actions (or have not yet been threatened with causing it) or suffered damage from the action (threatened with causing it), does not contain signs of an offence or the elements of an offence provided for in the criminal law [3, 56]. And given certain objects under criminal law protection, the State thus reflects concern for a certain range of social relations. Labour rights are an independent object of criminal law protection and are therefore included as such in the mechanism of criminal law regulation, which ensures the effectiveness of legal influence on public relations. There is no common understanding in the legal literature of the content of the term «mechanism of criminal regulation», but all authors are clear that it is a set of criminal legal means by which such relations are influenced. According to the interpreted dictionaries of the Ukrainian language, the remedy is a special action, which allows to do what, to achieve something, a way; What serves as an instrument in an activity, a matter [4, 325].

The category «means» is borrowed by the legal science of social philosophy, in which they usually mean those phenomena – subjects, ideas, actions, etc., which are a prerequisite for the realization of the goal. That is, the remedy is, in a sense, the object's ability to serve a purpose. Only because of the attitude towards a certain purpose, that is, as a result of teleological determination, objects acquire the importance of means [5, 20].

Further, the labour emigration of Ukrainian workers abroad makes it necessary to explore possible options for criminal liability for violation of labour rights complicated by a foreign element. The Constitution of Ukraine clearly states that everyone has the right to work, which includes the possibility to earn a living by work that he freely chooses or agrees to [6]. In order to realize this right, Ukrainian citizens have the opportunity to enter into reality the right to work not only in the territory of Ukraine, but also in another country, by concluding an employment contract or other document granting the possibility to work in a country. In most cases, in labour relations Ukrainian, as employees, abroad employers are foreigners. In addition, there are a significant number of enterprises with foreign investments and management in the territory of Ukraine, which makes it necessary to study the prosecution of foreigners carrying out their work in the territory of our country for violations of the legislation in the field of labour relations [7].

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УДК 343 (043.2)

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CRIMINOLOGICAL CHARACTERISTICS OF THE INTELLECTUAL PROPERTY PROTECTION SYSTEM IN UKRAINE

Today, Ukraine is on track to reform its own system of intellectual property rights (intellectual law). On the one hand, Ukraine participates in all the main (basic) universally recognized international treaties in the field of intellectual property protection, on the other - Ukrainian legislation has not been formed in final form. Attention is drawn to the need to update the existing system of intellectual legislation in scientific articles, as well as in many documents of both research [2, с.5-6] and political content, such as the Program for the Development of the State System of Intellectual Property Protection in Ukraine, the Program for Integration of Ukraine into the European Union Recommendations of parliamentary hearings «Protection of Intellectual Property Rights in Ukraine: Issues of Law Enforcement and Enforcement», there is now a broad discussion on how to further develop the intellectual property law system. Increasing attention is being paid to State policy in the sphere of regulating public relations with regard to intellectual property for compliance with world standards and the desire to harmonize domestic legislation with the norms of the main international legal acts. The non-compliance of certain provisions of domestic legislation with the norms of conventions and international treaties to which Ukraine has acceded is mentioned in many research papers on the problems of regulating intellectual and legal relations [3, p.116-117; 1, p. 29].

Draft changes to special laws are being developed and discussed in connection with the emergence of new results of intellectual activity, as well as new ways of fixing and distributing intelligent products. Thus, recent developments in the field of digital technology, voice communication, etc., due to intensive technological development, have created many questions on the protection of the rights of broadcasting organizations, the global Internet. Also today there are laws that are not brought into line with the Civil Code of