

trafficking violates many other rights promised to children in international law.

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THE CORRELATION BETWEEN THE CONSTITUTIONAL LIABILITY OF GOVERNMENT AND OTHER FORMS OF LEGAL LIABILITY

The necessity of development of theory of the constitutional legal (also referred to as just constitutional) liability is caused by insufficient doctrine foundation which makes practical application of this legal institution impossible. In its turn it reduces weight of constitutional legal rules regulating governmental work, because normal exercise of state power bodies' professional activity is ensured by effective mechanism of making answerable for failure to discharge or for improper discharge of their duties. It is topical problem especially in creating a law-governed state.

The constitutional legal liability is the mean ensuring people's confidence in legal regulation of social relations, respect for law and preventing the usurpation of power by one of the branches of government. It's especially important for society with low level of legal culture. The scientists of our country emphasize that numerous facts of violation of the constitutional law rules making it impossible to apply sanctions of criminal, civil, administrative or disciplinary liabilities also determine necessity of constitutional-legal liability institution improvement.

The analysis of constitutional liability is specified by the fact of its appearance. It was set up by scientific researches but wasn't incorporated into legislation. Moreover the constitutional liability of government has complicated political nature which makes it difficult to distinguish this kind of liability from political and other kinds of legal liability.

There are many various views as to the notion of legal liability, but among the most important features of legal liability scientists mention

the following: negative assessment of delinquent's behavior by the state, grounds and special legal procedure of its application, connection with law enforcement.

The constitutional liability is one of the newly established kinds of legal liability. The traditional kinds of legal liability are criminal, civil, administrative, financial, and disciplinary (the area of law serves as a criterion for distinction).

The difficulty of differentiation between constitutional and other forms of legal liability is connected with two views on the nature of this form of liability in the science of constitutional law of Ukraine and abroad. There are so called "wide" and "narrow" approaches.

The wide approach representatives stressed that the reasons for constitutional-legal liability application should be criminal, administrative and disciplinary rules of law. Therefore constitutional and criminal, administrative or disciplinary elements of offence become actual reason for constitutional-legal liability. Foreign countries legislation which adopts wide approach provides for special procedure of investigation of crimes committed by bodies of state power or their officials. Thus the composition of offenders which are held liable is the only one criterion to draw a distinction between constitutional legal and other forms of liability.

The narrow approach is called "various kinds of impeachment" and American model by some scientists. It provides termination of state power bodies or their officials' powers as a result of the contempt of the Constitution or laws. Criminal liability of bodies of state power or their officials doesn't provide for a special procedure, therefore the contempt of the criminal law isn't the reason of constitutional-legal liability application.

Considering the constitutional legal liability of the government it seems appropriate that the narrow approach should be embodied in the national legislation enabling to set more criteria to draw a distinction between constitutional legal liability and other kinds of legal liability including criminal liability. It will not impede calling offenders who committed crimes to accountability, because Constitution of Ukraine only prohibits applying the same kind of legal liability for the same offence. Moreover the exclusion of crime as the reason for constitutional-legal liability will contribute to its development as a separate type of legal liability.

The practicability of constitutional legal liability of government interpretation in accordance with narrow approach is also approved by the fact that current criminal procedure legislation of Ukraine envisages no provision for special criminal procedure toward members of the government. Therefore the investigation of crimes committed by ministers is carried out on the common grounds.

The composition of offenders which are held liable is one of the criteria to distinguish constitutional-legal liability from other kinds of legal liability. The criminal offender is an individual while constitutional liability is mainly collective (joint), though individual ministerial liability may also be provided

for by the law. This criterion can also serve for drawing a distinction between constitutional and administrative liability. But not all the constitutionalists concur with point.

Some scientists regard that the criterion to distinguish constitutional and administrative liability is the fact that administrative liability is considered to be a kind of legal liability and constitutional liability is a kind of both legal and social responsibility. But it should be mentioned that theory of state and law explains that legal liability is a kind of social responsibility. Therefore constitutional legal liability is a kind of legal liability and the latter is a part of a wider notion of social responsibility.

The ground for constitutional legal liability of the government as well as other subjects of constitutional legal liability can be considered as the most important feature of this kind of legal liability. In the constitutional law science such ground is a constitutional tort determined by some scientists as a socially dangerous illegal act, which is against constitutional system and its institutions. But the notion of constitutional tort isn't embodied into legislation of Ukraine and it makes the research of the nature of constitutional liability and its distinguishing from other kinds of legal liability more difficult.

The grounds for other kinds of legal liability are embodied in the codified laws. For instance the cause for criminal liability is the commitment of socially dangerous illegal act, which contains corpus delicti and is provided for by the Criminal Code (section 1 article 2 of the Criminal Code of Ukraine). One of important characteristics of administrative liability is that the administrative infraction (offence) is a ground for this kind of liability. In accordance with the Code of administrative offences of Ukraine the administrative offence is a wrongful culpable action or culpable omission which violates public order, infringes on people's property, rights and freedoms, established administrative procedures and involves administrative liability in accordance with the law.

The above-mentioned criterion serves for differentiation between civil and constitutional liability of government. The composition of offenders which are held liable isn't effective criterion to draw a distinction between these forms of legal liability, because under domestic legislation the state can participate in civil legal relations through bodies of state power. It should be said that civil liability is a consequence of civil offense which is a breach of treaty obligations or noncontractual trespass. Also the feature of civil legal liability is being answerable without fault. As to the constitutional liability scientists emphasize that it can be applied only if guilt exists. Moreover some scientists point out that guilt of government and some other subjects of constitutional liability are different from such of an individual. It can be described as a collective attitude to the constitutional tort which is represented as subject's will.

Further research of constitutional legal liability of government and its distinction from other kinds of liability needs more careful analysis of its connection with and difference from political responsibility. The aim of constitu-

tional liability is constitutional legality guaranteeing, but not elimination of contradictions between parliamentary or presidential politics and policy of supreme body of executive power.

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NEGATIVE IMPACT OF LATENT CRIME

Nowadays one of the most urgent problems, which affects stability of the state as a whole, its welfare, economic development is the problem of sustainable growth of crime. Therefore, the question of focusing efforts of law enforcement agencies to provide crime control and its prevention raises before the state machine. However, it is necessary to know the real state of crime, to operate the actual data, not just those that found their reflection in the official data of criminal statistics.

One of the goals that criminological science is indirectly facing - is crime prevention, as well as phenomena that determine it. The achievement of this goal is possible only with the appropriate information support of prevention activities. Criminological significant information is shown in the statistical records of crimes. The data contained in it are used in the development of measures to combat mentioned negative developments and during the planning of resource support system of bodies aimed at performing such struggle. Only the availability of accurate and complete information about crime reflected in the system of statistical record will facilitate the effective implementation of goals which come up before criminological science.

Latent (hidden) crime - it is a part of it, which for any reason is not registered by the competent authorities. Structural elements of hidden crime are unsolved crimes that belong to one of the signs of forensic aspect of latent crime. Moreover, criminological aspect of latent crime covers such crime cases when they are officially considered solved.

The extent of latent crime in general and specific types of crime is precisely unknown. According to some international estimates, latent crimes amount to 60 % and above the actually committed ones. For certain types of crimes, this figure reaches even bigger proportions.

Under the reasons of crime latency one should understand the whole complex of the circumstances of social, legal, personal and other nature that prevent the identification, registration and accounting of crimes and their disclosure, including ensuring the completeness and comprehensiveness of their disclosure. Under the circumstances of social nature one should also understand weaknesses inactivity of law enforcement and judicial authorities are obliged to provide identification, registration of crimes and people who committed them, as well as the administration of justice.

Criminological research shows that a gap between the number of actual