

heads that are in the rear and in the territories where active hostilities are taking place.

Local self-government in general and village, settlement, city heads in particular faced new challenges and new problems brought by the war, which remain unsettled by the legislation of Ukraine. In connection with the introduction of the legal regime of Martial law, the powers of village, settlement, and city heads were significantly expanded. We have found that some of them have their own logical basis, however, for example, personnel powers should be controlled by the public.

References:

1. Про місцеве самоврядування в Україні : Закон України від 21.05.1997 р. № 280/97-ВР : станом на 10.10.2022 р. URL : <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text> (дата звернення: 21.02.2023 р.).

2. Про очищення влади : Закон України від 16.09.2014 р. № 1682-VII : станом на 20.03.2020 р. URL : <https://zakon.rada.gov.ua/laws/show/1682-18#Text> (дата звернення: 21.02.2023 р.).

3. Про правовий режим воєнного стану : Закон України від 12.05.2015 р. № 389-VIII : станом на 29.09.2022 р. URL : <https://zakon.rada.gov.ua/laws/show/389-19#Text> (дата звернення: 21.02.2023 р.).

4. Про запобігання корупції : Закон України від 14.10.2014 р. № 1700-VII : станом на 01.01.2023 р. URL : <https://zakon.rada.gov.ua/laws/show/1700-18#Text> (дата звернення: 21.02.2023 р.).

5. Місцеве самоврядування та територіальна організація влади в контексті широкомасштабного російського вторгнення. Аналітичний звіт. Жовтень-листопад 2022 року. URL : https://decentralization.gov.ua/uploads/library/file/835/Sociology_lsg_2022.pdf (дата звернення: 21.02.2023 р.).

6. Батанов О. В. Принципи місцевого самоврядування як ціннісний вимір сучасного муніципалізму. Науковий вісник Академії муніципального управління. Серія : Право. 2012. Вип. 1. С. 24-32.

7. Українсько-англійський словник правничої термінології / Л.В. Мисик. – К.: Юрінком Інтер, 1999.

THEORIES OF COMPLICITY IN THE CRIMINAL LAW SCIENCE: GENERAL CHARACTERISTICS

YULIA NOSENKO, student

ALLA I. RADU, Associate Professor, Ph.D. in Philology, Legal English Supervisor

Ivan Franko National University of Lviv

Problem Statement. The notion of complicity is one of the main notions in the sphere of criminal law. It has been interpreted differently by the legal scholars and practitioners and its interpretation causes continuous debates. Thus, there are different spheres of complicity in criminal activities. The recognition of various

forms of complicity in criminal activities leads to inconsistencies and controversies in criminal justice systems worldwide.

Objectives. The main goal of this abstract is to provide a comprehensive analysis of the theories and forms of complicity in criminal activities with a focus on their practical implications in the criminal justice system.

Complicity in criminal activities is a notion that refers to the participation of one or more individuals in a criminal offense committed by another person. Theories of complicity in criminal activities aim at establishing the legal liability of accomplices and their degree of culpability. There are different forms of complicity in criminal activities recognized in criminal law science, including aiding and abetting, joint criminal enterprise, and conspiracy. Each of these forms has its legal and criminological foundations and it is the subject to interpretation and application in judicial practice.

Aiding and abetting is also known as *accessory liability*, refers to the intentional assistance of another person in the commission of a crime. To establish aiding and abetting liability, the prosecution must prove that the accomplice had the intent to assist and that assistance was a significant factor in the commission of the crime. The degree of culpability of the accomplice depends on the level of knowledge and intent of the accomplice.

Joint criminal enterprise refers to a situation where two or more individuals are engaged in common criminal activity. To establish *joint criminal enterprise liability* the prosecution must prove that the accomplice shared the intent to commit the crime and that the accomplice's conduct contributed to the commission of the crime. Joint criminal enterprise liability can apply to both the primary offender and the accomplice.

Conspiracy refers to an agreement between two or more individuals to commit a crime. To establish *conspiracy liability* the prosecution must prove that there was an agreement between the conspirators and that at least one of the conspirators took an overt act in furtherance of the conspiracy. Conspiracy liability can be established even if the crime has never been committed.

In the Ukrainian criminal law complicity in criminal activities is regulated by Section 6 of the Criminal Code of Ukraine. Articles 26-31 provide the definition of complicity in criminal activities and distinguish between several types of accomplices, such as: perpetrators, organizers, instigators, and co-perpetrators [2].

The legal notion of complicity in the Ukrainian criminal law is based on a number of different theories, including the *accessory theory of complicity* [5]. It is based on the idea that an accomplice is only a participant of the crime who assists, supports, or facilitates the commission of the crime by the main perpetrator. Under this theory an accomplice can be held liable for the same crime as the principal offender but the level of punishment may be lower than that of the main perpetrator.

On the other hand, there is a theory of complicity in criminal activities that considers the accomplice as an independent perpetrator of the crime [5]. This theory states that the co-perpetrator usually has his/her own intent to commit the crime and to be an active participant in its commission. Under this theory the accomplice can be held liable for a separate and distinct crime, and may face the same level of punishment as the principal offender.

There are also some other theories that are recognized by the Ukrainian legal scholars among them: the theory of joint criminal enterprise and the theory of indirect perpetration. The theory of joint criminal enterprise presupposes that each member of a criminal group who participates in the criminal enterprise is responsible for all the crimes committed by other members of the group in furtherance of the enterprise. The theory of indirect perpetration says that a person who aids or abets in the commission of a crime is responsible for that crime as if he/she has committed it himself/herself.

The distinctions between these theories mostly reflect the way in which court decisions are made. It is worth noting that the Criminal Code of Ukraine does not explicitly adopt either of these theories, but rather provides for different forms of complicity in criminal activities that are applicable in specific circumstances.

Results. The effectiveness and limitations of the theories of complicity in criminal activities usually depend on the legal framework and the socio-legal context in which they are applied. In practice, the application and interpretation of these theories and forms of complicity in criminal activities can vary depending on the jurisdiction and the specific case. Therefore, it is necessary to provide a clear and consistent legal framework and guidelines for judicial decision-making to ensure the fair and effective prosecution and punishment of accomplices.

Conclusions. Considering all of the above, it can be concluded that the legal framework recognizes various forms and theories of complicity in criminal activities. However, their application and interpretation remain subject to debate and inconsistency, leading to challenges in prosecution and punishment.

References:

1. Конституція України [Електронний ресурс]: Закон України від 28.06.1996 № 254к/96-ВР// Верховна Рада України. - URL : <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text> (дата звернення: 01.03.2023).
2. Кримінальний кодекс України від 5 квітня 2001 року [Електронний ресурс] // Відомості Верховної Ради України. 2001. № 25-26. - URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (дата звернення: 01.03.2023).
3. Сучасний англо-український юридичний словник / Укл. Л. В. Мисик, І. В. Савка; ред. В. Т. Нор. Київ: Ін Юре, 2018. 1350 с.
4. Dressler J. *Understanding Criminal Law*, 3rd ed. (Lexis, 2001).
5. Харко Д. М. Теорії правової природи співучасті та визначення ролі виконавця злочину / Д. М. Харко// Часопис Київського університету права №2. 2012. С.322.