

OPERATION OF THE CRIMINAL LAW IN TIME

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In the scientific sources, the operation of a law means its existence for a certain period of time, which begins with law's entry into force and ends with its cease to be in force. Operation of the criminal law in time is fundamental to criminal law, as it determines which law should be applied to a particular situation, taking into account the time of the committed crime and changes in legislation. In practice, it is often crucial to determine the time of the offence.

The operation of the law on criminal liability in time is based on **three interrelated principles** that reflect the relationship between the present, past and future and are common to all types of norms (laws) of classical criminal law, specifically: 1) application of the time of its force to the effect of the law (prospective effect of the law); 2) reversibility of a softer law (retroactive effect of the new law); 3) irreversibility of a stricter law (ultra-active effect of the old law).

The law on criminal liability shall enter into force ten days after its official publication, unless otherwise provided by the law itself, but not earlier than the day of its publication (Part 1 of Article 4 of the Criminal Code of Ukraine). The criminality and punishability, as well as other criminal law consequences of an act shall be determined by the law on criminal liability in force at the time of the act. The time of committing a crime shall be the time when a person commits an act or omission provided for by the law on criminal liability.

As the Constitutional Court of Ukraine established in its Decision No. 6-rp/2000 of April 19, 2000, the entry into force of a legal act is the moment from which the document begins its regulatory effect and becomes mandatory for implementation. This directly impacts the determination of which criminal law should be applied in specific cases.

The exception to the general rule is the application of the law that came into force after the commission of the crime (retroactive effect of the law on criminal liability), as provided for in Article 5 "Retroactive effect of the law on criminal liability in time" of the Criminal Code of Ukraine. The application of a law that has already expired at the time of its commission is not allowed in any case.

The term "law in effect at the time of commission of the act" means a law that has entered into force and has not yet expired at the time of the crime.

The relevance of the retroactive effect of laws and other regulations is that their provisions apply to legal relations that arose before they came into force, provided that they cancel or mitigate the liability of a person. In addition, the effect of the law may not extend to legal relations that emerged and ended before the entry into force of the law.

The retroactive effect of criminal law has its foundation in Article 58 of the Constitution of Ukraine, which states: "Laws and other normative legal acts have no retroactive effect in time, except in cases where they mitigate or annul the

responsibility of a person." This constitutional provision is further elaborated in Article 5 of the Criminal Code, which specifically addresses the retroactive application of criminal laws.

Sometimes the problem of retroactive effect of a law on criminal liability is complicated by the fact that it partially mitigates criminal liability and partially increases it. This situation occurs, for example, in cases where the new law:

- 1) simultaneously increases the maximum and decreases the minimum penalty;
- 2) simultaneously reduces the maximum and increases the minimum penalty;
- 3) the main penalty is increased and the additional penalty is reduced or vice versa;
- 4) the penalty is increased, but the length of the criminal record is reduced, etc.

According to S.D. Shapchenko, when deciding which law is more lenient, it is necessary to take into account all criminal-legal consequences provided for by the relevant laws on criminal liability [1].

The Supreme Court of Ukraine established that when determining the more favorable law, all its provisions should be considered comprehensively, including those relating to qualification, punishment, release from criminal liability or punishment, and other criminal law consequences.

In such cases, only those provisions of the law on criminal liability that mitigate criminal liability have retroactive effect, and all other provisions do not. If the law on criminal liability has been amended more than once since the commission of the crime and before the conviction of the person, the law most favorable to the perpetrator should be applied out of all the laws in force during that period.

A.A. Muzyka emphasizes that when determining the retroactive effect of the law on criminal liability in relation to ongoing and continuing crimes, one should proceed from the time of commission of these crimes. If an ongoing or continuing crime began during the period of the old law and was committed during the period of the new law that mitigates criminal liability for the relevant act, the new law may be applied [2].

Summing up, analysis of scientific sources and provisions of the Criminal Code of Ukraine allows us to state that the procedure for resolving conflicts that arise when making changes to criminal legislation should be based on the principle of humanism and the rule of law. The interplay between the three fundamental principles – prospective effect, retroactive effect of more lenient laws, and ultra-active effect of more favorable repealed laws – creates a comprehensive system that serves to protect individual rights while maintaining legal certainty. Special attention should also be paid to the correct determination of the moment of commission of a crime, especially when it comes to ongoing and continuing crimes, as the choice of law to be applied directly depends on this.

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JOURNALISTIC STANDARDS VS BLOGGER SUBJECTIVITY: WHO SHAPES MODERN DISCOURSE

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With the development of digital technologies and social networks, a new phenomenon has emerged – information bloggers, who often identify themselves with journalists. However, there are significant differences between these two professions, which affect the quality of content, the level of responsibility and interaction with the audience.

In this study, the goal is to analyze key differences between journalists and information bloggers, in particular regarding work standards, responsibility for disseminated information, ways of interacting with the audience, and the level of commercialization of content. To achieve the goal, it is necessary to determine the impact of these differences on the quality of the information space and public trust in various information sources.

Journalism is a professional activity aimed at collecting, verifying and disseminating socially important information in accordance with journalistic standards. It is based on the principles of reliability, objectivity and ethics [1]. In contrast, bloggers often create content without in-depth fact-checking, operating on subjective assessments and emotions. If a journalist is responsible for disseminating inaccurate information, then the blogger can avoid any consequences, even if his content has a serious social impact.

An example of strict standards in journalism is the case of Vasyl Chepurny, a journalist for the "Voice of Ukraine", who was planned to be fired in 2021 for xenophobic statements on Facebook. The Internet community quickly reacted to his post, and the editorial staff decided to temporarily stop cooperating with him [2]. In contrast, bloggers, even after high-profile scandals, often retain their popularity. A striking example is the YouTube channel of Oleksiy Arestovych,