

CONSEQUENCES OF VIOLATION OF LEGAL AND MORAL ISSUES RELATED TO ARTICLE 240 OF THE CRIMINAL CODE OF UKRAINE

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Introduction. Violation of legal and moral issues related to Article 240 of the Criminal Code of Ukraine has certain features that need to be specified.

Analyses of recent publications. The main points mentioned in the article draw attention to the existing concepts that demand further consideration.

The purpose is to describe violation of legal and moral issues related to Article 240 of the Criminal Code of Ukraine.

Description. Any wrongful act, as well as violation of rules related to protection of mineral resources, is associated not only with the infringement of a certain number of legal rules but also with a breach concerning particular moral principles.

A link between law and morality has existed since the time there appeared social interaction between individuals. Thus, both legal and moral principles are based on the same ground – they regulate social conduct, propagate similar ideas and make people share the same values.

While defining such terms as *law* and *morality*, scientists tend to interpret the abovementioned terms in a way suggested below. Hence, law is described as: 1) a binding custom or practice of a community: a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority or the whole body of such customs, practices, or rules; 2) the control brought about by the existence or enforcement of such law; 3) the action of laws considered as a means of redressing wrongs; 4) a rule or order that is advisable or obligatory to observe; 5) something compatible with or enforceable by established law; 6) the whole body of laws relating to one subject.

Meanwhile, *morality* is seen as: 1) a doctrine or system of moral conduct; 2) particular moral principles or rules of conduct; 3) conformity to ideas of right human conduct; 4) moral conduct or virtue.

Both the notions have a lot in common. They have similar nature and backgrounds and their implementation is sanctioned and established by the state. Their main aim is regulation of human conduct and interaction in social environment.

The fundamental principles of law and morality can be realized through a clear vision of the whole register of human rights and obligations that individuals obtain and through the liability for their neglecting. Both the terms correlate with social concepts of right and wrong, of good and evil. Due to public opinion we associate them with such notions as duty, responsibility, honour, virtue and

righteousness. These are secured by means of personal convictions and social influence which are considered to be typical within a certain society.

Nevertheless, it would be incorrect to state that there is no essential difference between law and morality. Despite law, where norms are always guarded by means of enforcement, moral principles depend on the attitude of society towards a great variety of life activities.

Article 240 of the Criminal Code of Ukraine (violation of rules related to the protection of mineral resources) says that:

1. Violation of prescribed rules related to the protection of mineral resources, when it exposed human life and health or environment to danger, and also unlawful mining of mineral resources, –

shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term of up to two years.

2. The same acts committed on territory and sites of natural conservation, or repeated, or where they caused death of people or massive spread of disease among them or any other grave consequences, –

shall be punished by restraint of liberty for a term of two to five years, or imprisonment for the same term, with the forfeiture of illegally mined resources and mining equipment.

Such is the formal aspect of the crime mentioned above, whilst the moral aspect concerns such things as an individual's health (including mental and spiritual health) and correlation between nature and men.

Any harm done to natural environment, which can manifest itself in illegal mining of mineral resources, leads not only to extra expenses laid upon the citizens and the state but also causes moral harm of no less significance to those who, on the one hand, commit such a crime and, on the other hand, to those who are responsible for keeping laws concerning the protection of mineral resources but cannot do their duties because of their idleness and negligence.

It is known that the mental element of the crime of violation of rules related to the protection of mineral resources is characterized as something having an express intent, which means that an individual commits a crime deliberately because of negligence of moral principles. Consequently that leads to exposure of human life and health or environment to danger or may even cause death of people or massive spread of disease among them.

The wrongful desire for profits and material wealth undermines ecology, changes the balance within an ecosystem and ruins morality. Thus, crimes against ecology affect both natural environment and those people who live within the dangerous area. There occurs a negative impact that influences the very existence of the state and its citizens, which may show itself either internally or externally.

It should be stated that specific problems that deal with violation of rules related to protection of mineral resources would result in common vices, such as negligence, going beyond one's commission, forgery, fraud and bribery.

Conclusion. As we can see both law and morality are very close in their meaning and sense. Yet the moral aspect should be regarded as something having a certain priority because human activity, both legal and illegal, is based on moral

values or, in specific cases, on the lack of moral values and principles. At the same time, pure moral principles would never be effective without being regulated legally, which is why every single article of the Criminal Code of Ukraine, besides the formal issues, contains references to intentions, wishes and desires of people in the sense of their essential rights.

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Масько Д.В. Наслідки порушення правових та моральних норм відповідно до статті 240 КК України

У статті проведено зіставлення понять «право» та «мораль», а також запропоновано бачення наслідків порушення норм моралі та права з огляду на порушення правил охорони надр відповідно до статті 240 КК України.

Ключові слова: покарання, кримінальний кодекс, право, мораль, злочин, надра.

Масько Д.В. Последствия нарушения правовых и моральных норм в соответствии со статьей 240 УК Украины

В статье проведено сопоставление понятий «право» и «мораль», а также предложено понимание последствий нарушения моральных и правовых норм в контексте нарушения правил охраны недр в соответствии со статьей 240 УК Украины.

Ключевые слова: наказание, уголовный кодекс, право, мораль, преступление, недра.

Masko D. Consequences of Violation of Legal and Moral Issues Related to Article 240 of the Criminal Code of Ukraine

The article deals with the comparison of such notions as law and morality. A vision of consequences of violation of legal and moral issues related to Article 240 of the Criminal Code of Ukraine is suggested.

Key words: punishment, criminal code, law, morality, offence, mineral resources.

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