

manufacturing and solve real economic problems in the country. However, market relations create a noticeable trace on the behaviour and the system of values of young researchers. In market relations knowledge is not only a result of research but also a product for merchandise that must be sold. In recent years the fall of the prestige of researcher and teacher professions has been observed. It is related to the constantly growing pragmatism of young generation who start their career. It leads to the constant flow-out of young staff to different branches of economy and business.

At Polotsk State University there is a complex of measures which help to stimulate young specialists to work at the University. There are also measures which help to raise the standard of the material prosperity of postgraduate students. Among them – creation of temporary research teams for the application of postgraduate training and research, and combining teaching with training at the Institute for Professional Development at PSU. But this has a negative effect which is in slowing down the work on dissertations. Polotsk State University provides young staff with accommodation, usually in its own halls of residence. At the same time, the governmental social support of young staff is of high importance, especially in the matter of solving housing problems.

The problem of attracting the junior staff at Polotsk State University has to be solved. In spite of the fact that students succeed in their postgraduate studies, some leave the University without getting employment at it. As a result, many departments are short of senior researches and PhD holders in general.

To summarise it should be mentioned that the enhancement of the system of postgraduate staff training at the University it has:

- to carry out the vocational guidance work with talented students at the first and second stages of higher education and emphasise the advantages of a research career;
- to engage talented young staff members to work in temporary research teams for application of their postgraduate studies;
- to consider work of postgraduate students' research supervisors as a prioritised activity at the University;
- to create conditions for dissertation writing in groups of postgraduate students, research supervisors, senior postgraduate students and heads of departments.

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ENVIRONMENTAL CRIMES AGAINST FLORA IN THE CRIMINAL CODE(1999) AND THE CRIMINAL CODE OF THE BELARUSSIAN SSR(1960)

VIKTORIA KUKSHTEL, VLADIMIR KHOMICH
Polotsk State University, Belarus

Standards of the criminal code of Republic of Belarus (1999) and the Belarussian criminal code by the Soviet Socialist Republic (1960), the regulating public relations encroaching on ecological safety and environment, namely on flora are considered in the article. The comparative and legal analysis of the above-stated norms is carried out.

At a turn of the XXI century fight against ecological crime reached urgency peak. Confirmation of it is the Concept of national security of Republic of Belarus (further – the Concept) which in item 4 includes as one of the base directions in the maintenance of a state policy ensuring national security in the ecological sphere. This Concept in item 36 allocates as internal sources of threat of national security in the ecological sphere:

- high concentration on territories of Belarus of ecologically dangerous objects, their placement near residential zones and life support systems;
- radioactive pollution of habitat owing to the Chernobyl accident;
- formation of large volumes of production wastes and consumption at low extent of their recycling and the hi-tech processing, the raised levels of emissions and dumpings of polluting substances;
- insufficient development of legal and economic mechanisms of ensuring ecological safety, systems of the accounting of natural resources, monitoring of emergency situations and quality of environment [1].

As neutralization of internal sources of threats of national security in the ecological sphere the Concept specified above the special place allocates for development " ... effective regulatory legal base of ecological safety, including system of payments for using natural resources and adequate compensation of the damage caused to environment" (item 56).

In our opinion, inclusion of ecological safety as one of the basic directions in the maintenance of the state policy providing national security, testifies that the Belarusian legislator aspires to bring national legal system into accord with the international standards, and also it is aspiration to keep national natural heritage of the country.

As it is represented, for deeper analysis of crimes against ecological safety and environment as a whole a certain scientific and practical value will have carrying out within the real research of the comparative legal and retrospective analysis of formation and development of ecological crimes in the Belarusian state.

In earlier existing Criminal code of BSSR of 1960 (further – UK BSSR) the legislator allocated eight structures, providing responsibility for the ecological crimes seven of which are in hl. 11 "Crimes in the sphere of business and other economic activity", and the eighth in hl. 15 "Crimes against public safety, a public order and population health" [2]. Thus, there was no certain head who would be devoted to especially ecological crimes, therefore, favorable environment was not considered as independent object of criminal encroachment.

The short story of the Criminal code of Republic of Belarus 1999 (further – UK) is allocation of twenty two structures providing responsibility for ecological crimes which hl were systematized and united for the first time in history the national criminal legislation on the basis of object in separate. 26 "Crimes against ecological safety and environment" [3]. This fact directly testifies that fight against ecological crimes and gains the increased public importance.

Allocation of ecological crimes in the separate chapter of UK made possible definition of a patrimonial data object of structures of crimes that could not be made on UK BSSR. N.A. Baby understands the public relations providing ecological safety of human dwelling, and also safety and rational use of natural resources as patrimonial object of ecological crimes [4, p. 449] and suggests to divide ecological crimes on direct object into the following types [4, p. 454]:

- - crimes against ecological safety;
- - crimes against the lifeless nature;
- - crimes against flora;
- - crimes against fauna.

Within this scientific publication we will carry out the comparative and legal analysis of formation of the Belarusian legislation concerning group of crimes against flora.

In UK the following structures relating to crimes against flora are fixed: pollution of the wood (Art. 275), destruction or wood damage on imprudence (Art. 276), illegal felling of trees and (Art. 277) bushes, violation of the rules established for fight against weed vegetation, diseases and wreckers of plants (Art. 280).

In turn UK BSSR carries to crimes against flora: the violation of the rules, established for fight against diseases and wreckers of plants (Art. 159), damage of crops (Art. 164), illegal felling of the wood (Art. 165).

Comparing crimes of this group, we note that fact that UK provides criminal legal protection to wider list of the public relations, rather than the Soviet legislation. On UK BSSR such structures as "Wood pollution", "Destruction or wood damage on imprudence" did not provide criminal liability. In our opinion criminalization of data of structures is reasonable since pollution, and also destruction or wood damage as an ecological complex harms environment and generates threat of ecological safety.

We note that fact that in UK such structure as "Damage of crops" is excluded by UK BSSR Art. 164. Decriminalization specified above structure, in our opinion, occurred because this article provided responsibility for deliberate destruction or damage of the state or public property in special way. The comment to UK BSSR explains that in such a way is damage of crops or damage of field-protecting afforestations, fruit and berry and

other special plantings of scotomas or a bird or as a result of journey of a cartage, cars, tractors, combines and other cars [5]. Let's pay attention that Art. 164 of UK BSSR does not contain an administrative law as a necessary condition for criminal prosecution and provides the sanction at a rate of two years of corrective works or a penalty to three hundred rubles. Certainly, the Belarusian legislator could not include so severe norm in UK, since it would contradict principles of the criminal law and criminal liability. However it should be noted that fact that the legislation of Republic of Belarus provides responsibility for a pasture of pets in unstated places of Art. 15.44 of the Code about administrative offenses of Republic of Belarus (further – KOAP) and provides responsibility in the form of a penalty to four base sizes [6]. As to the remained ways of commission of the objective party "Damage of crops", they did not find the fixing neither in UK nor in KOAP. In our opinion decriminalization of these ways of commission of the objective party of Art. 164 of UK BSSR is a consequence of that these acts do not possess public danger to recognize them criminal, and harmful consequences which can be caused by them, are not so great to recognize them as an offense.

It should be noted that UK BSSR provided responsibility for damage or destruction of crops and plantings by such ways as cutting down, an arson, etc. this act was subject to qualification according to Art. 96 "Deliberate destruction or property damage", i.e. article providing responsibility for crimes against a property.

By the main difference of structures of crimes against the flora, fixed UK BSSR and UK, it is expressed in object definition. Object of crimes against flora on UK are the public relations providing protection of ecological safety and environment. While in UK BSSR as object understands the public relations providing protection in the sphere of business and other economic activity. It should be noted that the Belarusian legislator change of object of crimes was beyond economic activity, thereby having increased the public importance of ecological crimes.

Let's carry out the comparative and legal analysis of Art. 277 of UK "Illegal felling of trees and bushes" and UK BSSR Art.165 "Illegal felling of the wood".

The objective party of Art. 277 of UK is expressed in the following alternative options of active behavior:

- to illegal felling of trees and bushes in the woods of the first group;
- damage to extent of the termination of growth of trees and bushes in the woods of the first group;
- to felling of not entering into wood fund protective and tree and shrub plantings;
- damage of not entering into wood fund protective and tree and shrub plantings.

Let's use Art. 16 of the Wood code of Republic of Belarus: the woods located on belong to *the first group of the woods*:

- especially protected natural territories (reserves, national parks, wildlife areas of republican value, nature sanctuaries of republican value);
- the woods of especially valuable sites of the wood fund, having genetic, scientific and historical and cultural value;
- the water security woods (forbidden strips of the woods and the wood in borders of water security zones on coast of the rivers, lakes, reservoirs and other water objects);
- the protective woods (the antierosion woods, protective strips of the woods along the railways and high ways of the general using);
- the sanitary-and-hygienic and improving woods (the city woods, the woods of green zones round the cities, other settlements, the industrial enterprises, including the wood of forest-park parts of green zones) [7].

Having analyzed the foregoing, we draw a conclusion that Art. 277 of UK has an essential shortcoming, namely it provides with criminal legal protection only the woods of the first group, in turn the woods of the second group which according to the Wood code have operational value and make 54% of the state wood fund [7], are subject to administrative legal protection. In our opinion the woods of the second group have not only economic, but also important ecological value for Republic of Belarus, and illegal felling in the woods of this category does the same harm of ecological safety of our country, as well as illegal felling in the woods of the first category. In our opinion it is necessary for Belarusian legislator to expand a subject of Art. 277 of UK, namely to provide with criminal legal protection all categories of the woods.

It should be noted that the objective party of Art. 165 of UK BSSR "Illegal felling of the wood" provided responsibility for illegal felling of trees and bushes in:

✓ *the woods of the first group*, dividing this group on:

- the woods which are carrying out protective, sanitary-and-hygienic and improving functions, and also reserves, national and natural parks, reserved wood lots, the woods having scientific and historical value, natural parks, forest parks in that case if the damage caused to them exceeds hundred rubles;
- other woods relating to the first group. For criminal prosecution it is necessary, that the damage made two hundred rubles on a rate established for calculation of the amount of collecting for a damage, the caused illegal felling and damage of trees and bushes;

✓ *other woods* if the damage exceeds three hundred rubles on a dachshund mentioned above.

Having analyzed the above-stated article, we draw a conclusion that UK BSSR provided criminal legal protection of the wood of all categories that in turn promoted prevention of adverse ecological effects in the form of wood destruction.

It should be noted that the positive moment of Art. 277 of UK is that the Belarusian legislator provided for criminal prosecution for illegal felling of trees and bushes the lowered size of a damage. According to notes to Art. 275 and 276 UK the large size of a damage in Art. 277 is considered eighty and more times exceeding size of base size, especially large – two hundred fifty and more times exceeding size of base size. In our opinion fall of the size of a damage is reasonable since wood destruction by its cutting down is today an actual problem for Republic of Belarus.

Carrying out rather legal analysis of the criminal rules of law regulating illegal felling of the wood on UK and UK BSSR, we draw a conclusion that the subject and the subjective party at these structures is similar.

UK, also as well as UK BSSR fixes one more similar norm protecting the public relations, providing a safe condition of vegetation and animals. In the Belarusian UK this norm is Art. 280 "Violation of the rules established for fight against weed vegetation, diseases and wreckers of plants" in Art. 159 UK BSSR "The violation of the rules, established for fight against diseases and wreckers of plants", will carry out the comparative and legal analysis of these norms.

From the name of the above-stated norms it is possible to draw a conclusion that UK expands a subject of the protected public relations, providing responsibility not only for violation of the rules established for fight against diseases and wreckers of plants, but also for violations of the rules established for fight against weed vegetation. In our opinion this expansion is reasonable since today there is a large number of various chemical preparations at which use perish not only weeds, but also is harmed crops that subsequently can harmful affect both on health of animals, and human health.

It should be noted that non-compliance with the rules established for fight against weed vegetation, diseases and wreckers of plants, makes negative impact on a flora condition, breaks norms of functioning of fauna, creates threat of ecological safety.

Having carried out the comparative analysis, the above-stated norms on the subjective party and the subject of a crime we draw a conclusion about their similarity.

Carrying out the comparative and legal analysis of crimes against flora, we allocate a number of the public relations which were not regulated by UK BSSR: wood pollution, destruction or wood damage on imprudence. It should be noted that these structures found reflection in UK, having expanded the sphere of the public relations which are subject to criminal legal protection. Criminalization of these acts is represented actual owing to being aggravated environmental problems, and in particular deteriorations of a condition of the wood by means of its pollution and destruction.

Having analyzed the Soviet criminal code and having compared it with Belarusian concerning group of crimes against flora increase of the public importance of ecological crimes, change of patrimonial object and extension of the list of structures of crimes as advantages of UK should be noted. The main lack of UK BSSR is that he did not give due consideration to protection of data of natural objects as in a priority protection of economic interests was put.

Thus, the criminal legislation in the field of environmental protection cannot be static and will constantly change according to actual problems and needs of society for this sphere.

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