

передбачених ст. 307 КК, майже 96 % всіх засуджених до відбування покарання призначалося позбавлення волі. З 2013 р. суди все частіше почали призначати засудженим за такі діяння більш значні строки позбавлення волі. Слід відзначити, що суди компенсують суворість санкцій зазначеної статті КК і часто призначають засудженим по ній більш м'яке покарання, ніж передбачено законом. Протягом аналізованого періоду суди відмовилися від призначення за діяння, передбачені ст. 309 КК, переважно позбавлення волі, і основною мірою покарання за їх вчинення став штраф.

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ANALYSIS OF SENTENCE PRACTICES FOR THE MOST COMMON CRIMINAL OFFENSES RELATED TO NARCOTICS, PSYCHOTROPIC SUBSTANCES OR THEIR ANALOGUES

This article analyzes the main trends in the practice of conviction and sentencing in Ukraine for the most common criminal offenses related to narcotic drugs, psychotropic substances or their analogues – illegal production, manufacture, acquisition, storage,

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transportation, shipment or sale of narcotic drugs, psychotropic substances or their analogues (Art. 307 of the Criminal Code of Ukraine) and illegal production, manufacture, acquisition, storage, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without the purpose of sale (Art. 309 of the Criminal Code of Ukraine).

Authors analyzed data from the state court reporting for the period 2008–2021 on the number of persons convicted for these criminal offenses, the number of those convicted who received real sentences, and the distribution of such persons by type of punishment.

According to the results of the analysis the following trends were established: among the persons convicted for more socially dangerous acts related to the sale of narcotic drugs, psychotropic substances and their analogues (Article 307 of the Criminal Code), the proportion of those released from serving the sentence prevailed in 2008–2009, and in 2010–2014 there was a significant increase in the punishability of such acts by the courts.

The predominance of persons released from serving their sentence among those convicted under Art. 309 of the Criminal Code occurred in 2008–2010 and resumed in 2021. The years 2017–2020 stand out, when there was a more significant predominance of persons who were actually punished for committing such acts.

Comparing the types of punishments imposed by courts for committing criminal offenses of these types clearly demonstrates the difference in judges' assessment of their public danger. For committing more socially dangerous acts under Art. 307 of the Criminal Code, almost 96 % of all those sentenced were sentenced to imprisonment. Since 2013, courts have increasingly imposed longer prison sentences for such actions. It should be noted that the courts compensate for the severity of the sanctions of this article of the Criminal Code and often impose a milder punishment on those convicted under it than provided by law.

Courts demonstrated a clear weakening of punitive practice with regard to persons who committed criminal offenses under Article 309 of the Criminal Code. If at the beginning of the analyzed period those convicted for such actions were prescribed mainly imprisonment, then later the main type of punishment for this criminal offense became a fine.

Keywords: criminal offense, punishment, trend of sentencing practice, convict, drug crime, type of punishment, imprisonment, fine, release from serving sentence.

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