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Historical aspect of the formation of the term of «undue advantage»

Today, one of the key topics for research in the doctrine of criminal law is to update the anti-corruption legislation of Ukraine. Most scientists focus on theoretical and applied issues related to the expansion of the main elements of corruption offenses, such as object and subject of crime. However, in our view, changes in terminology are also important. In particular, a new subject of a crime in the area of performance and professional activities related to the provision of public services is undue advantage. This term is not traditional for our legal system. The purpose of this research is to define the essence of the historical aspect of the origin of the concept of "undue advantage". In our opinion, the historical basis of a term "undue advantage" is the concept of "bribe", which has some aspects of the formation, in particular, etymological, retrospective and substantive.

In our opinion, the term bribe is more familiar to our society. Therefore, the legislator decision about removal of the term "bribe" from the Criminal code of Ukraine is not successful. We think that it was necessary only to extend the meaning of term "undue advantage". For example, determine that the bribe is advantages of any kind of material and / or immaterial nature that have both monetary and non-monetary gist. Thus, we believe that in the process of building a democratic, constitutional state legislator should come back to the issue the subject of corruption offenses, in particular, focus on research papers devoted to removal of the term "bribe" of the Criminal Code of Ukraine.

Keywords: subject of crime, corruption, undue advantage, bribe.