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OF YOUNG RESEARCHER
“VECTOR 3.0”**

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In this regard, the most important task is the implementation in the national legislation of states of the norms on the prevention of crimes of an international nature, using foreign experience in the prevention of such crimes. According to the author, the creation within the United Nations of a special mechanism of international legal control over the circulation of civilian weapons will be a reasonable initiative. The implementation by states of their commitments on this issue requires significant adjustments to align them with the objectives of the Arms Trade Treaty, which could form the basis of the proposed mechanism.

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THE EMPOWERMENT OF ADMINISTRATIVE DISCRETION IN LIGHT OF THE NEW CODE OF THE REPUBLIC OF BELARUS ON ADMINISTRATIVE OFFENCES

*A.P. Dranitsa, V.V. Kozlovskaya
Vitebs State University named after P. M. Masherov
Vitebsk, Belarus*

On March 1, 2021, the new Code of Administrative Offences of the Republic of Belarus (hereinafter referred to as the Administrative Code) will enter into force in Belarus. In comparison with the current administrative-tort law, it contains a number of novelties that significantly expand the scope of administrative discretion. The latter should be used in more cases. Among the main novelties of the Administrative Code is the introduction of preventive measures.

The purpose of this study is to analyze the possibilities of applying administrative discretion in situations where preventive measures can be applied to the offender.

Material and methods. The materials of the study are the norms of the Administrative Code, scientific publications on the topic of the study. General scientific methods were used – analysis, synthesis and analogy and the private legal methods – comparative legal analysis, formal legal analysis.

Findings and discussion. Under administrative discretion, we understand the right of the managing entity to individually regulate the behavior of individuals and legal entities in conditions where it is assumed that it is possible to independently make a decision that determines the procedure, method and form of using legal means to achieve the goal specified in the law. For example, Phillip Cooper defines administrative discretion as the “power of an administrator to make significant decisions that have the force of law, directly or indirectly, and that are not specifically mandated by the Constitution, statutes, or other sources of black letter law” [1, p. 300].

In the exercise of discretion should be used all the legal knowledge, experience, and also requires the presence of professional insight.

According to Article 5.1 of the Administrative Code, in order to prevent new administrative offenses, the following preventive measures may be applied to the person who committed the offense:

- oral remark;
- warning;
- measures of educational influence [2].

As an example of changes in the law enforcement discretion, we can cite the actions of authorized persons in relation to offenses that do not have signs of repetition. In such cases, according to the new legislation, a person may not be brought to administrative responsibility, limiting himself to an oral remark.

This shows that the new Administrative Code has become more liberal and progressive in terms of administrative discretion. But on the other hand, innovations complicate the work of civil servants by increasing their responsibilities.

For example, a traffic police inspector who detained a pedestrian who crossed the road at a red traffic light will need to refer to a single database of offenses, which in turn takes time. If the traffic police inspector does not do this, then his further actions can be considered as arbitrary, in which case you will have to appeal his actions to a higher authority or to the court.

In this case, it is worth remembering the problem of appealing against an illegal decision of an official of a state body, because failure in this matter is much more likely. This problem may arise due to the subjective consideration of the case in court, lack of evidence, their complete absence, and other reasons. In this regard, effective control over the activities of state officials by civil society is necessary. But this, in turn, is impossible without increasing the independence of the court.

In our opinion, we should pay more attention to the very appeal of citizens to the court. Persons often do not resort to the judicial method of protecting their rights for fear of losing a dispute to which the state, represented by its bodies

and officials, is a party. Unfortunately, practice shows that it is easier for citizens to submit to an illegal decision of the subject of law enforcement than to fight for their rights.

Conclusion. As a conclusion, we note that the space for administrative arbitrariness has narrowed in the new Administrative Code. But this possibility has not completely disappeared. And in this direction, we still have something to work on. To improve the quality of the law and protect the legitimate interests of persons, first of all, it is necessary to ensure the legality of the actions of state officers and their strict compliance with the law. We believe that the harmful practice of law application, rather than the viciousness of the law, is the problem in most cases.

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PSYCHOLOGICAL MECHANISM OF CORRUPTION: GENERAL CHARACTERISTICS

*V.O. Egorova
Vitebsk State University named after P.M. Masherov
Vitebsk, Belarus*

The problem of corruption is currently one of the most pressing problems that concern the world community. Criminal practice shows that in the current realities of criminal and administrative measures of repressive law is not enough to regulate such a criminal act as corruption. In this regard, it is necessary to conduct research to identify the psychological characteristics of corrupt behavior.

The purpose of the work is to identify the psychological component of corrupt behavior.

Material and methods. The material for the study is legal sources, scientific publications of domestic and foreign scientists. General scientific methods were used in the work.

Findings and their discussion. The problem of institutionalization of corruption has recently attracted more and more attention from the scientific community, ordinary citizens and the government. Corruption destroys the foundation of society, moral principles and principles of social equality. At present, the criminal act of corruption requires new approaches to research and development of effective methods of combating it. According to the Law of the Republic of Belarus on Combating Corruption of July 15, 2015. No. 305-Z