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AVIATION SECURITY AS AN OBJECT OF CRIMINAL OFFENCES

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In the legislation of Ukraine, aviation security is defined as protection of civil aviation from acts of unlawful interference, which is ensured by implementing a set of measures involving human and material resources [1]. The literature emphasizes that the concept of aviation security is defined through the concept of an act of unlawful interference with civil aviation.

Article 86 of the Air Code of Ukraine and Section II, paragraph 2, subparagraph 6) of the State Program of Civil Aviation Security of March 21, 2017, define acts of unlawful interference as acts of attempts to commit acts that pose a threat to civil aviation security and include unlawful seizure of aircraft; destruction of aircraft in operation; taking hostages on board aircraft or at airfields; forcible entry onto board an aircraft, at an airport, or at a location of an air navigation facility or service; placing weapons, dangerous devices or material on board an aircraft or at an airport intended to achieve criminal purposes; use of an aircraft in operation to cause injury, other damage to health, death to an individual, or significant damage to property or the environment; communicating intentionally fake information that endangers the safety of an aircraft during flight or on the ground, the safety of passengers, crew members, ground staff or the public at the airport or at the location of civil aviation facilities or units [1; 2].

Criminal liability for acts of unlawful interference with civil aviation is provided for in various articles of the Criminal Code of Ukraine, including

those relating to hijacking, hooliganism, banditry, damage to transportation routes and vehicles, illegal handling of weapons and explosives, intentional murder, terrorism, and threats of destruction or damage to property. Although there is no united section defining a specific list of criminal offenses that infringe on aviation security, aviation security is not deprived of criminal law support for its protection.

Firstly, a systematic analysis of the provisions of the current Criminal Code shows that the CC does not provide for united section defining a specific list of criminal offences that threaten aviation security. Criminal liability for acts of unlawful interference with civil aviation is provided for in articles listed in different sections of the Special Part of the CC. It is generally accepted that the basis for grouping criminal offences into sections of the Special Part of CC is the generic object of the criminal offence. The science of criminal law has developed various approaches to the classification of the object of a criminal offence (crime). In most scientific sources devoted to the objects, the classification of objects includes: general, generic (group) and direct objects (main and additional). As is known, the main direct object of a criminal offence, as part of generic object, determines the inclusion of a criminal offence in a particular section of the CC.

Secondly, according to the dictionary, security is a state when nothing threatens someone or something, does not cause concern [3, p. 53]. The ontological aspect of this concept defines «security» as a certain quality of human existence that determines the purpose and result of human activity to protect against threatening factors, events and phenomena. The Constitution of Ukraine distinguishes these main types of security: «citizen security», «public security», «state security». Since security has many types (aviation, industrial, internal, public, demographic, economic, environmental, social, nation, fire, nuclear etc.), the concept of «security» is interpreted differently in each field of knowledge. But, in general, the understanding of the content of the category «security» includes the absence of danger and the existence of a state of protection of vital interests of individual, society, and the state from internal and external threats.

The study of the regulatory characteristics of acts of unlawful interference allows us to assert that they include socially dangerous,

unlawful acts related to the encroachment on the normal operation of civil aviation and aviation facilities, which are defined by international and national legislation as acts of unlawful interference with civil aviation. Aviation security as an object of criminal offences is the normal operation of and aviation, the absence of danger and the presence of state protection of the vital interests of an individual, society and the state (life, health, public safety, property, etc.) from acts of unlawful interference with civil aviation.

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