

функцій в суспільстві. Для працівників митної служби належно організаційний соціальних захист є засобом мотивації їх трудової діяльності та повинен бути напрямком соціальної політики держави.

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MEANING OF INTERNATIONAL CRIMINAL LAW

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International law primarily regulates the rights and duties of states, while criminal law focuses on prohibitions aimed at individuals, with violations resulting in penal consequences enforced by the state. These two dimensions can sometimes conflict with one another.

The establishment of international criminal law, which holds individuals directly accountable and imposes penalties through international judicial systems, is a relatively recent development.

Although there were earlier instances and practices related to international criminal law, a formal regime emerged in the 1990s with the creation of the ad hoc tribunals for the former Yugoslavia and Rwanda. This area of law remains in its infancy, lacking uniformity, and its courts do not possess global jurisdiction.

International criminal law has its roots in multiple sources. War crimes derive from the «laws and customs of war,» which provide specific protections for individuals during armed conflicts. Meanwhile, genocide and crimes against

humanity were developed to safeguard individuals against severe human rights violations, including those perpetrated by their own governments.

Aside from the crime of aggression, which pertains to conflicts between states, the primary focus of international criminal law is on individual protections against large-scale atrocities. As articulated by the Appeal Chamber in the Tadic case at the International Criminal Tribunal for the former Yugoslavia (ICTY):

A human-centered approach is gradually replacing the state-sovereignty-oriented perspective, emphasizing that while international law must protect the legitimate interests of states, it should increasingly focus on safeguarding human rights.

The term «international criminal law» varies in meaning, and numerous definitions exist, often inconsistently.

In 1950, Georg Schwarzenberger identified six distinct interpretations of the term, all relating to the interactions between international and criminal law, yet none referred to a body of law that directly established criminal prohibitions targeting individuals. Schwarzenberger argued that such a framework did not exist at the time, asserting that the concept of «international crime» presupposes the existence of international criminal law, which he believed was absent.¹

Conversely, Cherif Bassiouni, writing nearly fifty years later, identified twenty-five categories of international crimes, which are offenses that significantly affect international interests or violate widely held values. These crimes often involve multiple states due to the nationality of victims or perpetrators and may include offenses such as trafficking in obscene materials and damage to submarine cables.

Various definitions of international criminal law serve different purposes, and there is no single «correct» interpretation. However, it is essential to clarify the intended meaning in specific contexts.

In this essay, «international crime» refers to offenses within the jurisdiction of international courts or tribunals, specifically the core crimes of genocide, crimes against humanity, war crimes, and the crime of aggression.

This definition excludes other serious crimes like piracy and terrorism, which, despite their importance, are not currently under the jurisdiction of international courts. Nonetheless, discussions on these crimes are included due to their similar enforcement challenges.

The enforcement of international criminal law is primarily carried out by domestic authorities. National courts play a crucial role in this enforcement framework. Prior to the establishment of international courts in the 1990s, «international criminal law» often referred to aspects of national law dealing with transnational crimes – now more accurately termed «transnational criminal law.» This area encompasses national jurisdiction rules and cooperative methods among states regarding crimes with cross-border implications.

Another perspective on international criminal law focuses on the values it protects. Under this approach, international crimes are those that concern the global community or violate fundamental interests safeguarded by international law.

The ICC Statute defines core crimes as «the most serious crimes of concern to the international community as a whole,» recognizing their threat to global peace and security. However, defining international criminal law in this way may suggest a coherence in international criminalization that does not exist.

A further approach considers the involvement of states in committing international crimes. For instance, the crime of aggression necessitates state action, often involving high-level officials. Nonetheless, the focus of international criminal law is primarily on individual liability, largely independent of the perpetrator's official status, except in cases like aggression.

Lastly, international crimes can be defined as offenses created by international law itself, without requiring domestic legal frameworks. This concept stems from the Nuremberg Tribunal's assertion that individuals, not abstract entities, commit crimes against international law, emphasizing that punishing these individuals is essential for enforcing international law.

However, this definition can lead to debates regarding what constitutes a crime created by international law. The pragmatic approach adopted in this essay excludes certain conduct from detailed discussion, focusing instead on crimes clearly defined by international legal standards

Crimes Under the Jurisdiction of International Courts or Tribunals

In this essay, the term «international crime» refers specifically to offenses that fall under the jurisdiction of international courts or tribunals as established by general international law. This includes the so-called «core» crimes: genocide, crimes against humanity, war crimes, and the crime of aggression (also referred to as the crime against peace).

Our definition intentionally excludes offenses such as piracy, slavery, torture, terrorism, drug trafficking, and other crimes that states are obligated to criminalize under various treaties in their domestic laws.

However, since many practical issues related to these offenses resemble those pertaining to international crimes as defined here, they are discussed in the essay, albeit with detailed attention only given to terrorism and torture.

Some of these offenses, such as terrorist acts and drug trafficking, have been proposed for inclusion in the jurisdiction of the International Criminal Court (ICC) and could potentially be classified as international crimes in the future.

Terrorism has been addressed by the Special Tribunal for Lebanon, which is designed to apply Lebanese domestic law, although its application has been somewhat ambiguous and contentious.

This approach does not fundamentally distinguish core crimes from others; rather, it is based on the current lack of other crimes within the jurisdiction of international courts.

Nonetheless, it is evident that these core crimes have foundations in international law and are recognized by the international community as violations of values protected by general international law, as highlighted in the Preamble to the Rome Statute of the International Criminal Court.

In this context, «international criminal law» encompasses not only the laws concerning genocide, crimes against humanity, war crimes, and the crime of aggression but also the principles and procedures governing the international investigation and prosecution of these offenses.

As will be demonstrated, a significant portion of international criminal law enforcement is carried out by domestic authorities, making national courts an integral and essential component of this legal framework. Several conclusions can be drawn from the text regarding the jurisdiction of international courts and the concept of international crimes:

Definition of International Crimes: The term «international crime» is specifically defined within the context of offenses that fall under the jurisdiction of international courts, emphasizing the focus on core crimes such as genocide, crimes against humanity, war crimes, and the crime of aggression.

Exclusion of Other Offenses: The approach explicitly excludes other serious crimes like piracy, terrorism, and drug trafficking, acknowledging that these may be addressed under different legal frameworks, even though they share similar enforcement challenges.

Potential for Expansion: Some offenses, particularly terrorism and drug trafficking, have been suggested for future inclusion in the jurisdiction of the International Criminal Court (ICC), indicating a possibility for the evolution of international criminal law.

Role of Domestic Courts: A significant portion of international criminal law enforcement occurs at the national level, highlighting the critical role that domestic courts play in upholding international legal standards.

International Legal Framework: Core crimes are recognized as violations of international law and fundamental values, suggesting a consensus within the international community on the importance of addressing these offenses to maintain global order and justice.

Integration of Principles and Procedures: The concept of international criminal law encompasses not just the substantive crimes but also the principles and procedures necessary for effective investigation and prosecution, indicating a comprehensive legal framework.

Overall, these conclusions reflect a nuanced understanding of the current landscape of international criminal law, its enforcement mechanisms, and the

importance of both international and domestic legal frameworks in addressing serious crimes.

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КЛЮЧОВІ ПРИНЦИПИ ОБРОБКИ ПЕРСОНАЛЬНИХ ДАНИХ ЗГІДНО З ЗАГАЛЬНИМ РЕГЛАМЕНТОМ ПРО ЗАХИСТ ДАНИХ (GDPR) ТА ПЕРСПЕКТИВИ ЇХ ІМПЛЕМЕНТАЦІЇ

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Інтеграція України до ЄС є на сьогодні одним з двох ключових напрямків, на яких буде своє майбутнє наша країна. Цей напрямок передбачає послідовне та безперервне інтегрування норм ЄС в правове поле України. Відповідно до ст. 15 Угоди про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами [1], сторони