

Thus, criminological research of crime of foreigners and, in particular, its determination, promotes the development of effective measures of impact on this type of crime and its prevention in the future.

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KEY ASPECTS OF PLEA BARGAINING

Plea bargaining is widely used in criminal proceedings not only in countries from common law family. This institution is an integral part of the American criminal procedure and used in practice for over 150 years. According to the U.S. attorney Raymond Moles in 1839 in New York City 22% of criminal sentences were the result of "plea bargaining", in 1869, 70% of all criminal cases are resolved in this way, in 1920 88% of all cases were resolved through guilty pleas. According to K. F. Gutsenko in 60 years, more than 90% of criminal cases in the U.S. do not go through the procedure of the trial.

"Plea bargaining" is an agreement between the prosecution and defense on the resolution of the case, including the charges for which the defendant pleads guilty. Such an agreement often means that the accused guilty of committing less serious crimes or on all counts of the indictment.

American lawyer Donald Newman defines a "plea bargaining" as a guilty plea that results from negotiations between the prosecutor and the accused, in which the defendant pleads guilty in exchange for a reduction in the severity of the charges.

The main features of the "plea bargaining" in a criminal trial of the U.S. are:

- Court has no authority, but only asserts the agreement;
- Rejection on the part of the charges or retraining it;
- The transaction is applied in criminal cases of serious and very serious crimes;
- A choice of the accused: to sign a plea bargaining and judged by a single judge, or stand trial jurors.

In American system of law, in fact, there are two types of plea bargaining (pretrial plea bargaining with prosecutors and "prosecutorial immunity").

The first type is pretrial plea bargaining with prosecutors. The essence of such an institution is to ensure that the prosecution removes part of the charges in exchange for the guilty plea. In this case, it does not matter the

subject, offering a deal. It can be both the defense and the prosecution. Has the meaning and procedural stage at which it can be represented such a deal.

The second most common type of transactions with justice is the so-called "prosecutorial immunity". The essence of this procedure is that the accused, the suspect can not simply rely on a reduction of incriminating charges and freed from punishment in principle. To put it simply changes its status to a witness. In exchange, he must testify at his accomplices.

The federal and state criminal justice system treat most criminal cases through guilty pleas and the proposed transaction. Recognizing guilty, the defendants waive their right to a jury trial, cross-examine adverse witnesses, to present evidence, to ensure the attendance of witnesses and to require the prosecutor to prove guilt beyond a reasonable doubt. These rights form the core of the right to trial, as guaranteed by the U.S. Constitution.

This legal institution is a controversial feature of the U.S. criminal justice system. Proponents argue that it decides on the speed trials, reduces the number of cases that prosecutors helps regulate their workload and saves time and costs for the organization of the state of the jury.

Opponents argue that the plea bargaining may lead to violations of the law. Attempt on the legitimacy arises because of the circumstances in which a person agrees to plead guilty, thus it deprives them of the opportunity to be justified, but guarantees a specific punishment.

Also plea bargaining may put pressure on the accused pleading guilty to a crime that they know they did not commit, and that the result of a plea bargaining may strongly depend on the negotiating skills of a lawyer, which puts those who can afford good lawyers, an advantage. A lawyer must be sure that the defendant understands the rights of which he refuses, and the consequences it faced as a result of the conclusion of a plea bargaining.

But, despite of all the disagreements plea bargaining is an integral component of the U.S. criminal process.

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"GREEN MOVEMENT" DEVELOPMENT IN UKRAINE AND EU AS A SUBJECT OF LEGAL PROTECTION OF BIODIVERSITY IN THE SECOND PART OF XX CENTURY

Biodiversity is one of the key concepts in environmental discourse. Protection of biodiversity is among the global environmental challenges.

Human impact on the environment has led to the decline of thousands of plant and animal species, extinction rates have increased in thousands compared to natural rates. Among the reasons that caused such enormous damage to biosphere can be identified such as: climate changes, increasing of population, development of machinery and techniques, industrialization, overexploitation of natural resources (especially after the Second World War), deforestation, etc.

The origin of the term "biodiversity" is rather complicated. There is an opinion that scientist G. Bates was the first to use the term "biological diversity" in 1892. Other sources indicate that the term «Biodiversity» was first introduced by B. Rosen at a national forum "Strategy of the United States Concerning the Biological Diversity" and appeared as an abridged version of "biological diversity" in 1986. "Biodiversity" is most commonly used to replace the more clearly defined and long established terms: «species diversity» and «species richness». Most often scientists define biodiversity as the "totality of genes, species, and ecosystems of a region".

From the beginning of the XVII century human activity has become a major factor of biological diversity reduction. Extinction of species increased in the XX century as a nature's response to the industrial revolution, development of technology and two world wars.

The legal framework (in the form of regulations, directives, international programs and conventions) is very important to ensure the protection of nature and biodiversity.

There are many methods of biodiversity protection. The two main ways at the species level are: "in situ" (i.e., the habitat) and "ex situ" (outside the habitats). The second method involves manmade habitat of living, such as national parks, zoological gardens, agricultures and so on. But all these means require the legal support.

Attempts to protect environment have been recurred by the mankind throughout history in various forms and in different parts of the world. Non-governmental organizations played a great role. The modern global "green movement" has emerged in the second half of the twentieth century as a response to the exacerbation of the environmental situation, due to the historical and social development of the last century.

In March 1972 the world's first green party (the United Tasmania Group) was arranged at a public meeting in Hobart, Australia. Nearly at the same time, in Atlantic, Canada, "the Small party" with similar goals was formed. In May 1972 a meeting at Victoria University, Wellington, New Zealand, launched the Values Party, the world's first national green party. The term 'Green' was first coined by the German Greens when they contested their first national level election in 1980. The values of these early movements were gradually codified into those of today's worldwide

Green Parties. Looking through the prism of history we should pay attention to the establishment of "green" political movements in the Soviet Union.

It is worth while analyzing the formation of the green movement in Ukraine in the composition of the USSR because of its complexity. Such complexity is due to several reasons, among which two types can be identified: natural and social ones. The first type includes - vast territory (the USSR occupied almost 1/6 of the Earth's inhabited land and was the largest country in the world), diversity of natural conditions and relief, a big quantity of wilderness areas, different climate zones, etc. Among the social reasons the following ones can be distinguished: political situation, the lack of diverse ideologies and the prohibition of political diversity. Thus, taking into account these reasons, the development of green movement in Ukraine may be classified into 3 stages. The first stage (1950-1980) was characterized by non-politicized environmental activity groups that strived against poaching, etc. Such groups were allocated from official institutions and initiated by students or created on the basis of travel circles. So, the first stage of the green movement in the Soviet Union had an amateur politically independent character.

The second phase was in 1980 - till 1990. The special feature of this period was the liberalization of the political movement and, therefore, the emergence and rapid development of the green movement. Gorbachev's "thaw" became the precondition for the emergence and development of a huge number of informal groups, associations and organizations. Liberalization of the political movement became the basis for a large number of environmental organizations that operated throughout the Soviet Union. The turning point of the environmental movement was in 1986, when the Chernobyl's accident has occurred. The first Ukrainian Environmental Association "Green Light" was created in 1988 and it was the pronounced response and public reaction to the terrible environmental situation in Ukraine caused by the Chernobyl disaster.

And the third stage (beginning of 90s) is characterized by the decline of the legal environmental activity. The former Soviet republics were more concerned about their own independence and economic prosperity than the environmental situation in the country. Ecological Parties of 90s were directed mainly at the strengthening of their own position in the political sphere. This fact played a negative role in the development of environmental legislation.

Ecological movement entered the international arena in the 70s, and received the international recognition in the 80th. In 1982, the UN General Assembly officially adopted the World Charter for Nature, the first international document that had deep eco-ethical significance for the protection of biodiversity. The International Convention on Biological Diversity, adopted in June 1992 in Rio de Janeiro, set very important

ethical principle of the prohibition of actions aimed at the destruction of species.

The current stage of the green movement development in Ukraine has the character of international cooperation. The main element of it is the adapting of the Ukraine's legislation base to the EU one. After the independence of Ukraine declared in 1991, the Government of Ukraine has developed environmental policy providing an optimal model for environmental management. A number of legal documents elaborated and adopted the previous years provides a basis for nature protection and conservation in a direct way and thus define the legal framework for nature management. The basic law on biodiversity protection is Law of Ukraine on Environmental Protection (1991), which has become the legislative base for nature protection in Ukraine.

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CONVEYANCE OF THE PRAGMATICS OF FICTION TEXT DESCRIPTIVE ELEMENTS IN THE ENGLISH-UKRAINIAN TRANSLATION

Relevance of this study is determined by the importance of portrait descriptions in belles-lettres texts and the necessity of adequate reproduction of pragmatic potential of descriptive fragment in translation.

The purpose of the study is to substantiate the ways of reproduction of pragmatics of belles-lettres texts fragments which describe the character's portrait in the Ukrainian translation of English literature.

The critical analysis of the literature on the research topic indicates that character's portrait includes a description of his appearance (facial features, figure, posture, clothing, age), voice, movements and gait, his gestures and facial expressions which are often mentioned in the pages of belles-lettres texts, because static portrait assumes appeal to dynamic portrait in linguistic studies. Description of character's appearance plays a big role in work of art. It doesn't only represent one of the ways to disclose character's nature, but also reflects the pragmatic meaning of the text.

Character's portrait is described with the help of figurative means, therefore the problem of figurativeness of belles-lettres text is always relevant and relates to questions connected with linguistics, theory of translation and communication. The importance of its studying is clear: overall impression of

the text, understanding of author's intentions and also effective influence of the work, implementation of its didactic and educational potential depend on the way the image created by the author, will be interpreted and understood by the addressee.

According to the results of the research conducted in this work, the emotional state of the character is transmitted through portrait descriptions in British belles-lettres texts. Moreover in descriptions of portrait fragments such pragmatic meanings are transferred:

- features of character's temper;
- author's attitude to his character;
- social status of the character;
- overall impression of the manners and tastes of the character, that causes axiological activity of a reader.

Pragmatic meaning is often transmitted by the description of the figure in general, height, oval of the face, eyes, etc.

Cognitive factors are not less important in the perception of the figurativeness of a belles-lettres text. In work of art image is created by the same means as in the phraseology. There is a similar to phraseology dependence between the degree of analogism of comparison, on the base of which the image was created, and the degree of figurativeness. The effect of cognitive factors is especially noticeable when the recipient of the text is the informant of another language, another communicative culture, who should not only to interpret the image adequately, but also reproduce it in the target text.

First scientific coverage of the issue of pragmatics reflection of belles-lettres text in translation was given in the works of V.N. Komissarov [1]. Considering the adequate translation of figurativeness, N.V. Skladchykova distinguishes four parameters of adequacy:

- parameter of adequate transference of semantic information of the target language;
- parameter of adequate transference of emotional evaluation of the image data;
- parameter of adequate transference of the expressive information;
- parameter of adequate transmission of aesthetic information [2, p. 126].

While translating figurative units it is necessary to detect the cognitive background of figurativeness of the source units, and compare the cognitive experience of native speakers of the source and target languages according to analyzed units. Cognitive background of translation is the information about how native speakers of the source and target languages perceive a phenomenon marked by words. Cognitive information includes: collective knowledge about a particular phenomenon, experience of native speakers, associations which describing phenomenon arouses and its place in the national conceptual picture of the world, features of verbalization, etc.