

SOCIAL CONDITIONALITY OF CRIMINAL LEGAL INTERDICTION OF ILLEGAL ACTS WITH DATA PRESENTING INSIDER INFORMATION

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This article explores the question of criminal law prohibition of illegal action data of insider information. The author of the article was able to determine the amount blanket criminal law under art. 232-1 of the Criminal Code of Ukraine and determine its possible limits. To this end, the author has identified features of the legal regulation of the concept of information, which is a separate kind of insider information, and highlighted the features of the concept of value of trade secrets and information that constitute insider information. The proposed article also found the contents of the illegal actions of such information, which depends on the characteristics of their properties in the current regulatory legislation.

Information, insider information, commercial secret, criminal responsibility.

Today it is impossible to imagine a world without such of its component as information. During the development of the information society, the term "information" takes one of the leading places not only in industrial but directly in the criminal legal conceptual apparatus. This is a phenomenon by which various actions are committed, including criminal prohibited ones: on the one hand, they represent a kind of development motor of Ukrainian society and the state, and on the other hand they represent a social factor that contributes to increase crime rate, worsens criminal situation in the country. The current Criminal Code of Ukraine contains many rules based on the information. For example, a

certain kind of information can be presented in the form of marks for goods and services, names of companies, qualified indications of the goods origin (Art. 229 of the Criminal Code), commercial and banking secrecy (Articles 231, 232 of the Criminal Code), insider information (Art. 232-1 of the Criminal Code) as well as information about the activity of the issuer (Art. 232-2 of the Criminal Code) and others.

In accordance with Art. 200 of the Civil Code of Ukraine the information is defined as documented or publicly announced data about events and phenomena that took place or are taking place in society, state and environment. The order of information use and the protection of its rights are established by law. The Law of Ukraine "On information" accepted on October 2, 1992 is such a legislative act that regulates the relations concerning the creation, collection, receipt, storage, usage, distribution, security and information protection of certain kinds.

Based on the above-mentioned, it should be noted that the information is a part of modern life of the society and it has various forms. Data that constitutes insider information (hereinafter - li) is one of these forms, which is the subject of a crime under Art. 232-1 of the Criminal Code. The concept of li was firstly defined in the Law of Ukraine "On Security Papers and Stock Market" dated February 23, 2006 where the prohibition is provided, including the trade of security papers using li and the Criminal Code of Ukraine was amended in order to establish responsibility for the disclosure or use of unpublished information about the issuer or its security papers.

The purpose of this paper is the characteristics implementation of social conditionality of unlawful actions with the data of insider information, and are referred to the content of primary and qualified crime under Art. 232-1 of the Criminal Code of Ukraine.

The above-mentioned proves not only the relevance of declared problem, but the necessity to improve legal regulation of relations with certain kinds of trade secrets as an object of intellectual property rights. An important step in

this direction is the definition of "acceptable" amount and possible "limits" of blanket criminal law under Art. 232-1 of the Criminal Code of Ukraine.

This is a kind of foundation concerning the determination of specific areas to identify the general principles of social conditionality of criminal legal interdiction of illegal acts with insider information, which require separate study within independent research.

The publication of such work in the next issue will help to identify specific areas of social conditionality of specified actions more thoroughly and thereby to develop effective measures to improve the current wording of Art. 232-1 of the Criminal Code of Ukraine in the part of the content correspondence to its disposition by regulatory law relating to the determination of the data content which include insider information and its variants.