SUMMARY

This paper examines the international experience of regulation of criminal responsibility for mercenarism. On the basis of analysis of orders criminal legislation separate European and most post-Soviet countries the general and excellent lines of the normative regulation this question. Problematic issues and ways of their elimination are determined. The author point of view speaks out in relation to expedience of implementation of some positions of foreign legislation in domestic practice.

It defines bases of criminalization of mercenaries at the international level and ascertains the lack of global consensus on this issue. The objective-subjective side of the mercenary activities as the crime against peace and security of mankind has been analyzed. The peculiarities of the mercenary activities definition in the Criminal Code of Ukraine have been given special attention.

The statements that are worthy to be adopted by and to Ukrainian lawmaker (anticipation of such a qualifying sign of mercenary use of a minor), as well as those which are unsuccessful (which do not specify the purpose of recruitment, financing, training or other financial support of the mercenary; where the range of criminal activities covered by the concept of mercenary” is narrowed) have been elucidated. The actus reus of the mercenarism according to the criminal legislation of the international experience is considered.

Key words: mercenarism, mercenary, criminal responsibility, foreign experience, subject of the crime.