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POLICY IN THE AREA OF COUNTERACTING CRIME: ITS BIOETHICAL PRINCIPLES

In modern science of criminal law, there is no single definition of criminal-law policy. Clearly one thing - criminal law policy is part of government policy. Therefore, to determine first one necessary to recall the essence of the latter.

The most common view is that policy - it is the realization of its internal and external functions. One of the directions internal policy of any state in any historical time period is to ensure law and order in the society including - the counteracting crime. The using legal means in counteracting crime is the criminal-law policy of the state.

So criminal-law policy has traits of national policy and as criminal-law policy is only part of the whole, the principle of its existence are also in direct proportion to the whole.

Like any social institution, criminal-law policy based on certain principles: saving repression, necessity, differentiation and individualization of criminal responsibility and punishment, the principle of inevitability of criminal legal response to crime.

The main function of legal policy (including criminal law policy) is to find and establish standards to satisfy emerging needs or implementing new ideas about right and not right.

Known that right - is formally expressed morality's rules. Moral - category rather variable. It varies much more than the right. So right has to adjust to it, improving written rules (offering new, changing and canceling existing).

Today, the society faced a rather serious problem with regard to rethink their relationship to the environment. The current concept of anthropocentrism leads to self-destruction of humanity. The only possible concept that can save humanity from the negative effects of its existence - the concept of ecocentrism. According to this concept, a person is regarded as a normal part of nature, its equal share. Thus a

person all of its activities, the existence of a building on the principles ecocentrism . This means in particular that the relationship between nature and man are based on the principles of equality and in clarifying the possible occurrence of negative factors from human activities. This negative factors should be evaluated not only from the standpoint of danger to humans, but nature too.

This new concept for the modern man philosophy intersect with bioethics. Definition “bioethics” in a broad sense we understand as human existence in harmony with nature (natural law). In contrast to other researchers of bioethics, we do not limit it only a few areas (medicine, ecology), because we believe that it applies to all areas of human activity.

A prerequisite for this outlook were various negative consequences of so-called scientific and technological progress of mankind, entry into dangerous knowledge. Danger of it is the inability to predict its negative effects. Proof of this can become almost any scientific and technological discoveries in various fields of humanity: nuclear weapons, reanimation, reproductive technology, nanotechnology and more.

All this has forced us to rethink the fundamental principles of modern morality, government policy, including the law and criminal-law policy, and to develop new ones - bioethical principles that meet the current needs of society.

By bioethical principles we include the following principles.

The basic principle of bioethics has become a principle ecocentrism. This principle means «confession» of humanity ecocentric philosophy. We noted above its essence. This principle is continuous; it goes through all the other bioethical principles.

The principle of transparency provides an open discussion of national and international projects opening of «dangerous knowledge», to enable the public to prepare mentally, financially to the application of new knowledge.

The principle of rationality is reflected in intelligent beings deprived of life: the purpose necessary defense in circumstances of extreme urgency, euthanasia and so on.

The principle of equilibrium suggests that the balance in nature (development of reproductive technologies is constrained by control of mortality – euthanasia legalization, physician assisted suicide (PAS), mercy killing).

The principle of limitation should be applied at the opening of a new and dangerous knowledge will be to: 1) giving him publicity, and 2) the need for conducting long-term studies that meet the merits of new knowledge (if necessary may take a few generations), and 3) informing the public of possible negative consequences of opening dangerous knowledge

The principle of realism - is a limiting principle that balances some of the above principles. Thus the principle of realism is the deterrent principle ecocentrism, rationality and equilibrium. His balancing principle ecocentrism evident that the equality of all living beings are not perfect (for killing flies - the person who killed her is not subject to legal liability). Basically rationalism realism manifests itself in the absence of specific legal cases or particular criminal consequences for killing other living beings. In principle balance realism traced to prevent automatic installation of the balance between certain categories (number of births and died people).

All these bioethical principles should cooperate with the principles of criminal-law policy. Thus the principle of expediency criminal-law policy interacts with bioethical principles of rationality, and equilibrium constraints. The principle of inevitability of responding to crime goes through the bioethical principles such as: ecocentrism, balance, limitations of realism.

We believe that only under such circumstances criminal-law policy of the state to meet the current demands of society, and thus can efficiently perform its basic function - to counteract crime.

So bioethics - a modern outlook on the principles which should be based moral standards policy in its various forms (law-making, interpretational and law enforcement). Generally bioethics has become propaedeutic for modern law and right. Confessing only this - bioethical philosophy, humanity has a chance to continue its exist on this planet.