

Forensic and Pharmaceutical, Criminal and Legal, Social and Economic Study of the Conditions, that Cause Bribery Corruption in the System of Legal Relations "Doctor-Patient-Investigator-Lawyer"

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Abstract. Based on the forensic and pharmaceutical, criminal and legal, social and economic research, analyzed the reasons and conditions causing bribery in the field of healthcare, committed by doctors who were officials. The analysis of the forensic and pharmaceutical practice on reports of the medical expertise commission showed that there is no information about the participation of lawyers in the system of legal relations "doctor-patient-investigator-lawyer". The obtained conclusions indicate that it is necessary to increase the level of advocacy during the investigation of criminal cases at the pre-trial and judicial investigation. In addition, in order to strengthen information co-operation between doctors and officials of healthcare institutions concerning the improvement of qualifications in matters of

medical and pharmaceutical law of Ukraine, necessary measures were proposed. Normative initiatives to increase the level of criminal responsibility were given. Recommended to the leadership of the KhMAPE and Public Organization "Association of Medical and Pharmaceutical Law" to appeal with a corresponding initiative to the Ministry of Health of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Cabinet of Ministers of Ukraine to prevent the causes and conditions that cause bribery among communal non-profit enterprises – healthcare institutions.

Keywords: pharmaceutical law, medical law, criminal law, healthcare institutions, bribery, corruption.

Introduction. Historical facts testify to the fact that already in ancient times, corruption was considered as a social evil that should be avoided, gotten rid of, and countered [1]. So, in Ancient Greece IV-V centuries. BC, the speech of Marcus Cicero, delivered by him in 75 BC, is historically known to Ancient Rome in the Roman Senate against the governor of Sicily. Gaius Julius Caesar introduced a fairly severe punishment for bribery and bribery of officials. In ancient Rome and ancient Athens, the forms of combating corruption were primarily social control and collective morality [1]. Historical experience convincingly proves that human vices and immoral behavior in any society cannot be eradicated completely, it can only be limited to a certain extent. Institutions that can be used to implement these restrictions in practice include the state, law, judicial system, law enforcement agencies, prosecutor's office, advocacy, religion, media, public organizations, as well as norms of ethics, morality, publicity, etc.

The fight against corruption is one of the main interests of the US national security [2], which is based on the principles of the United Nations Convention

against Corruption, adopted in accordance with the resolution 58/4 of the General Assembly of October 31, 2003 [3].

It is the US National Security Service that is leading the creation of a comprehensive strategy that, if implemented, will increase the US government's ability to prevent corruption, more effectively fight illegal financing, effectively identify and prosecute corrupt actors, and strengthen the capacity of activists – investigative journalists and others citizens who expose corrupt practices.

Therefore, the US will expand and intensify its efforts, including by:

- increasing anti-corruption work, as a priority within its diplomatic efforts;
- review and reassessment of intergovernmental aid criteria, including transparency and accountability;
- expansion of US aid aimed at fighting corruption and monitoring the effectiveness of this aid;
- creating additional flexibility in anti-corruption initiatives and broader efforts to provide assistance in responding to unforeseen situations around the world;
- strengthening the anti-corruption potential and support of the public sector, including independent audit and supervisory bodies.

In EU countries, corruption remains a problem for society as a whole and is a serious crime that can have a cross-border nature [4]. The fight against crime is primarily the competence of the authorities in the EU countries, which are ultimately responsible for the key aspects related to the fight against corruption: law enforcement agencies, judicial measures taken on the ground and budgetary resources allocated to law enforcement and administration of justice. According to Article 83 of the Treaty on the Functioning of the European Union (TFEU), the European Union can establish minimum rules for the definition of criminal offenses and sanctions in the areas of particularly serious cross-border crimes such as money laundering, corruption, and organized crime.

The latest in a series of measures taken by the Commission to fight corruption in the EU is the agreement reached, which enshrines in the legislation on the fight against money laundering, public procurement, whistleblower protection and asset recovery [5].

The main causes of corruption are supposedly determined, among them the most popular are the lack of political will, imperfection of legislation, lack of refinement of specialized institutions, insufficient social culture of members of Ukrainian society and even writing off the problem to the mentality of the nation [6]. However, the identification of such reasons did not provide an answer to the question of how to improve this same social culture in practice, how to force politicians to be honest with themselves and society, what experience of creating anti-corruption institutions should be taken as an example for Ukraine?

The purpose of the study was to investigate the forensic and pharmaceutical, criminal and legal, and social and economic reasons and conditions that cause bribery in the field of health care on the example of the system of legal relations "doctor-patient-investigator-lawyer".

Materials and methods. The informational and analytical basis of the research was made up of medical law, pharmaceutical law, forensic pharmacy, health care organization, forensics, pharmacy, industrial pharmacy, pharmacy organization and management, criminal law, administrative law, economics. In the work, legislative, regulatory, instructional and methodological documents of the UN, the USA, the EU, Ukraine (more than 100 documents) and scientific publications (more than 500 articles) on the topic of the work were processed [7-31]. To achieve the goal, the methods of normative-legal, documentary, retrospective, forensic-pharmaceutical, comparative, systematic and graphic analysis were used. The Microsoft Excel 365 program was used to process the results and determine the consistency between the studied parameters (descriptive characteristics: minimum and maximum value, average value).

The study is a fragment of the research works of the Kharkiv Medical Academy of Postgraduate Education on the topics "Improvement of the organizational and legal procedure of providing drugs to patients from the position of forensic pharmacy, organization and management of pharmacy" (state registration number 0116U003137, implementation period 2016-2020) and "Pharmaceutical and medical law: integrated approaches to the drug circulation system from the standpoint of forensic pharmacy and the organization of the pharmaceutical case" (state registration number 0121U000031, implementation period 2021-2026) and Lviv Medical Institute LLC on the topic "Improvement of the drug circulation system during pharmacotherapy on the basis of evidentiary and forensic pharmacy, organization, technology, biopharmacy and pharmaceutical law" (state registration number 0120U105348, implementation period 2021-2026).

Results and discussion. The department of medical and pharmaceutical law, general and clinical pharmacy of KhMAPE carries out work on the professional development of doctors and chief doctors of communal non-profit enterprises (CNPO) – healthcare institutions in all regions of Ukraine without exception.

Unfortunately, the initiative of the department of medical and pharmaceutical law, general and clinical pharmacy and the leadership of the KhMAPE, directed at the invitation of chief physicians to the cycle of thematic improvement "Peculiarities of the activity of health care institutions during the quarantine caused by the SARS-CoV-2 coronavirus" on the budget basis, does not have support in the healthcare departments of Lviv Regional State Administration, Chernivtsi Regional State Administration, Zakarpattia Regional State Administration, Odesa Regional State Administration, Volyn Regional State Administration, Health Care Department of Lviv City Council, etc. The facts show that invitations to continuous professional development ignored not only at the level of healthcare departments of regional state administrations, but also at the level of chief doctors of healthcare institutions.

Therefore, in Ukraine, the work of all branches of government, scientists, advocates, and lawyers regarding fundamental changes in the direction of combating corruption and bribery in the field of health care is extremely necessary. But such activity requires appropriate explanatory work specifically at the law departments of medical universities, in particular at the departments of medical and pharmaceutical

law, general and clinical pharmacy of KhMAPE. In this case, there is an urgent need to define clear demarcation lines between criminal and non-criminal, objective, and subjective sides of this crime. Therefore, the adoption of new anti-corruption laws was aimed at improving current legislation and regulatory acts, job instructions, contractual obligations in the direction of strengthening disciplinary, administrative, and criminal liability for corruption offenses (bribery) and developing effective mechanisms for preventing and countering such manifestations [32]. In fact, these changes led to a partial mitigation of responsibility for corruption crimes and somewhat complicated law enforcement practice. This state of affairs, of course, is not acceptable, therefore the legislation on the prevention and counteraction of corruption needs further refinement and improvement to meet the requirements of modernity and legislation of the USA and the EU.

According to the forensic and pharmaceutical practice (FPP), the witness said that doctors had to carry a certain amount upstairs from each department every week [33]. How the same conversations were held with them regarding charitable assistance and thanksgiving. And also, how to take money from each patient for X-ray and ultrasound. The funds were not accounted for anywhere and had to be handed over to management in cash. According to the doctor, his unwillingness to be a slave to the head doctor caused constant conflicts. In the end, the struggle was lost because he was fired.

As a good example from the FPP regarding the prevention of bribery, one should cite the implementation of the anti-bribery project in Ukraine [34], which was implemented by the American Bar Association's "Rule of Law Initiative in Ukraine" together with the Ukrainian Legal Aid Foundation and the "No to Bribery! I do not give and do not take bribes" as part of the "UK-UA: Support for reforms in Ukraine" Program and with the financial support of the Government of Great Britain, from October 2015 to January 2016, 15 public forums "Let's overcome bribery together!" were held. Among the cities of the forum are Dnipropetrovsk, Zaporizhzhia, Kharkiv, Lviv, Ternopil, Lutsk, Uzhhorod, Ivano-Frankivsk, Odesa, Mykolaiv, Kherson, Vinnytsia, Kyiv, Zhytomyr, Khmelnytskyi. Unfortunately, we do not know the results of this forum and whether it was held on a permanent basis between 2017 and 2022.

Below we present examples No. 1-7 from the FPP, criminal and legal, social and economic practice, which show that the officials of healthcare institutions, abusing job instructions, orders of the Ministry of Health of Ukraine, contracts concluded with regional councils, commit acts of bribery, while the activities of their supervisors and the level of their professional development as organizers were not highlighted.

Example 1. The investigator of the National Police (NP) of the Lviv region under the procedural guidance of the Lviv regional prosecutor's office opened a criminal case and the chief doctor was informed of the suspicion under Part 3 of Art. 368 (acceptance of an offer, promise or receipt of an illegal benefit by an official) of the Criminal Code of Ukraine and the preventive measure of detention was chosen [35].

During the pre-trial investigation, it was established that on May 16, 2022 in Lviv, operatives of the SSU in the Lviv region, together with the investigators of the NP under the procedural guidance of the Lviv regional prosecutor's office, exposed the manager-doctor of one of the CNPO "Healthcare Institution" who demanded an illegal benefit for registration documents that provide grounds for exemption from military service in wartime conditions, by producing certificates certifying that men cannot be drafted in wartime due to unfitness for military service. While receiving the entire sum of the bribe, the chief doctor was detained in accordance with Art. 208 of the Criminal Code of Ukraine. As of now, the doctor has been dismissed from the post of chief physician.

Other examples of FPP also indicate that chief physicians falsify health certificates [36].

Example 2. The investigator of the NP of the Chernivtsi region under the procedural guidance of the Chernivtsi regional prosecutor's office opened a criminal case, and the chief doctor was informed of the suspicion under Part 3 of Art. 201-2 of the Criminal Code (illegal use of humanitarian aid) and Part 3 of Art. 368 (acceptance of an offer, promise or receipt of an illegal benefit by an official) of the Criminal Code of Ukraine), a 47-year-old doctor is in a pre-trial detention center [37].

The doctor is also accused of misappropriating five "ambulances" that were intended for the Armed Forces. During the pre-trial investigation, it was established that on June 05, 2022, the 47-year-old general director of the Chernivtsi Regional Hospital agreed with a resident of Bukovyna to transport him to the hospital in Uzhhorod in an "ambulance" belonging to the Chernivtsi hospital. Bukovynets offered UAH16,000 for transporting him to the hospital in a special vehicle. The official entrusted his own brother, who is not an employee of a medical institution and does not have the right to drive a special vehicle, to transport the patient to another region.

In addition, the general director of the Chernivtsi Regional Clinical Hospital is accused by investigators of misappropriating five ambulances that arrived in Ukraine as humanitarian aid and were intended for the Armed Forces. That is, after arriving on the territory of Ukraine, ambulances were not allocated to the needs of the army or hospitals. Instead, they were registered under a charitable organization headed by the same head of the hospital, and were used to provide paid services to citizens. Physical evidence was seized from the doctor and law enforcement officers are currently investigating the possible involvement of other employees of the health care facility in illegal activities.

Example 3. A criminal case was opened by the investigator of the NP in the Zakarpattia region under the procedural guidance of the regional prosecutor's office, and the chief doctor was informed of the suspicion under Part 3 of Art. 368 (acceptance of an offer, promise or receipt of an illegal benefit by an official) of the Criminal Code of Ukraine [38].

During the pre-trial investigation, it was established that on May 14, 2022, operatives of the Security Service of Ukraine detained the former head of the National Security Agency of one of the communities of Berehiv Oblast and exposed

the organization of schemes for transporting evaders abroad. According to the investigation, for \$14,000, the official promised to prepare documents for the evader that would allow him to cross the border unhindered under martial law. After receiving payment for the documents, the official was detained in Beregov, who was in possession of \$14,000, as well as mobile phones and flash drives with photos of potential customers' documents. The detained ex-head of the National Security Agency is a 36-year-old resident of Vynogradivskyi district. Investigators and operatives determine which documents the ex-official produced, and also determine the circle of persons who may be involved in the crime.

Example 4. A criminal case was opened by the investigator of the NP in the Zhytomyr region under the procedural guidance of the regional prosecutor's office, and the chief doctor was informed of the suspicion under Part 3 of Art. 368 (acceptance of an offer, promise or receipt of undue benefit by an official) and Part 3 of Art. 369-2 of the Criminal Code of Ukraine [39].

During the pre-trial investigation, it was established that operatives of the SSU, together with operatives of the NP, detained doctors for bribes who demanded money from a serviceman participating in the anti-terrorist operation for assistance in registering a disability. It has been established that a medical employee of one of the Zhytomyr City Council's health centers promised to help a wounded person in an anti-terrorist operation for UAH 14,400 with the correct preparation of documents for a preliminary medical examination. The specified amount also included the fee for other members of the medical advisory commission, who were to issue a referral to the former military man for passing the medical expertise in order to issue a disability group. Another doctor, a member of the medical expertise commission of the Zhytomyr Regional Medical and Social Expertise Center, demanded a bribe from the same wounded serviceman. The doctor demanded eight thousand hryvnias for the signed profile opinion. If the military man had not given this money, then, according to the doctor, he would have had problems with the registration of disability or at all - it would not have been extended to him. That is, in order to issue a disability, the wounded serviceman had to pay almost 22 and a half thousand hryvnias, although, as established during the forensic medical examination, he had the legal right to issue a disability anyway. Sanctioned investigative actions were carried out at the doctors' places of work. A pre-trial investigation is ongoing, within the scope of which information is being checked regarding other possible facts of extortion of bribes by those involved in the proceedings and involvement in the offenses of other employees of the city's medical institutions. Law enforcement officers detained an official of the MSEK on one of the streets of Zhytomyr, when he was just receiving the stipulated amount of bribe.

Example 5. The investigative judge of the Halytskyi District Court chose a preventive measure for the doctor of the X-ray diagnostic department of the Lviv Regional Hospital for Veterans of Wars and Repressed People named after Yu. Lypy" on suspicion of committing a crime, provided for in part 3 of Art. 368 of the Criminal Code of Ukraine (receipt of unlawful benefit by an official) [40]. The doctor is suspected of extorting \$8,000 in bribes from members of the anti-terroristic

operation for registration of a disability group. The suspect will be under house arrest at night, from 10:00 p.m. to 7:00 a.m. until August 1, 2021. The prosecutor's office has initiated a preventive measure in the form of round-the-clock house arrest for a period of two months, as it considers the risk that the suspect will hide from the investigation to be quite high. and can even run away. The court agreed with such reservations, but given the fact that the suspect is raising a child on her own and has to go to work, still ordered night house arrest. It should be noted that the investigators detained the doctor of the Vynnykivskiy hospital on June 1, 2021, during the investigation by operatives of the corruption scheme, which "began at the stage of the formation of primary documents". The suspected doctor was a member of the medical expertise commission for the provision of the disability group, working in which she set the prices for which she allegedly provided her services. She promised one wounded anti-terroristic operation soldier to change his disability group for \$8,000. During the search of the doctor's apartment, law enforcement officers found these funds. In addition, they discovered folders with documents of anti-terroristic operation fighters and draft records. The investigation is also checking the version of the involvement of other officials of the hospital, the military commissariat, and the medical expertise commission in this corruption scheme.

Therefore, the FPP and criminal law practice testify to the fact that corruption schemes in the field of healthcare exist [41].

At the same time, in judicial practice there are cases regarding the acquittal of a doctor who was suspected of committing the crime of receiving a bribe.

Example 6. The Lokachinsky district court of first instance acquitted the head of the polyclinic in G. for actions qualified under part 3 of Art. 368 of the Criminal Code (receipt of unlawful benefit by an official) [42].

The Volyn regional prosecutor's office will appeal the verdict of the Lokachyn district court, because according to the investigators, the doctor from O. H. demanded a bribe for processing documents for receiving disability. The head of the clinic in Lokachy was exposed in the fall of 2019. According to the version of the investigation, gr. O. G., who headed the hospital and medical commission, demanded and received from the woman UAH5500 for making a decision to send her to pass the medical expertise commission for assigning a disability group. Operatives detained the doctor at her workplace while receiving a bribe. In 2019 alone, the doctor prepared and sent medical documents for almost 250 citizens under a corruption scheme.

The similarities and differences between the concepts of "demanding" and "requesting" an undue advantage are considered, examples of incorrect application by the courts of the relevant articles of the Criminal Code of Ukraine are given, the causes of errors are analyzed, and ways to eliminate them are suggested [43]. The SFP regarding bribery in particularly large amounts indicates that it is necessary to strengthen the criminal responsibility of officials who commit crimes (following example).

Example 7. On July 30, 2021, the panel of judges of the Higher Anti-Corruption Court found F., the former director of the Institute of Agroecology and

Nature Management of the National Academy of Sciences of Ukraine, guilty under Part 4 of Art. 368 of the Criminal Code of Ukraine [44, 45] and chose the measure of deprivation of liberty for a term of up to 8 years, with the deprivation of the right to hold managerial positions related to organizational-management and administrative-economic duties, for a term of 3 years, with the confiscation of all property. It was established that in December 2017, an official – the director of the Institute of Agroecology and Nature Management of the National Academy of Sciences of Ukraine, Academician F. – was detained after receiving the first part of the bribe – \$300,000. In general, he was suspected of extorting \$500,000. As the investigation found out, the director demanded money from the founder of the Satel Ukraine company in order not to terminate the contract regarding the joint activity of building a residential complex on the land of the institute. F. was detained in December 2017, not far from his place of work, immediately after he received the first part of the illegal benefit – \$300,000. The sentence has not yet entered into force, because the lawyer has filed an appeal and the next court session will be held on January 17, 2022.

The question of where such big money comes from is traditionally considered obscene in the political and business circles of Ukraine [46]. Obviously, receiving only an official salary, it is impossible to buy luxury villas in Florida or entire Greek islands. The approach of the elections (both presidential and parliamentary) brings closer the possibility that some businessmen will not be able to extend their "license of impunity". Such a prospect makes many of them nervous and demand the cancellation of those articles under which they can be held criminally liable. The initiative to cancel the article was put forward by MPs from the "People's Front", and their interests were represented in court by the Pavlo Pynzenyk. However, deputies from almost all factions supported the decision: such unanimity can rarely be found in the Ukrainian parliament, especially on the eve of the elections, when deputy to deputy wolf [46].

The Verkhovna Rada adopted a law by which the Criminal Code of Ukraine was supplemented with a new article on the illegal enrichment of officials [47]. At one time, the article on illegal enrichment in the Criminal Code of Ukraine was one of the demands of the EU, as well as one of the obligations to the IMF, fixed by a memorandum. However, at the beginning of 2019, the Constitutional Court of Ukraine decided to decriminalize Art. 368-2 of the Criminal Code of Ukraine on illegal enrichment due to its non-compliance with the Basic Law of Ukraine. At that time, the Constitutional Court of Ukraine noted that the article in the revised version contradicts the presumption of innocence, violates the principle of freedom from self-disclosure, and places the burden of proof on the part of the prosecution on the side of the defense, which must prove the legality of the origin of the assets.

In this context, the US approach to understanding illegal enrichment is studied. The American approach is that illicit enrichment is used as a tool for criminal and civil prosecution for failure to file financial statements along with charges of tax evasion. Therefore, illegal enrichment is used as a tool to investigate corruption. Article 20 of the UN Convention against Corruption calls on States Parties to

consider the possibility of taking such legislative and other measures as may be necessary to recognize intentional illicit enrichment, i.e., a significant increase in the assets of a public official, which exceed his legitimate income and which he cannot reasonably justify as a crime. However, the state, when implementing this provision, should not blindly follow the recommendations, but intelligently prescribe the mechanism of prosecution, so that the article on illegal enrichment does not remain a dead norm of the code or is later directly defeated in the European Court of Human Rights.

Pursuant to the letter of the Court of Appeal of the Kyiv Region No. 06-20/4046/13 dated December 18, 2013, the Boryspil City and District Court of the Kyiv Region summarized "On the practice of considering cases of administrative corruption offenses and some crimes provided for by Chapter XVII of the Criminal Code of Ukraine "Crimes in the sphere of official activity and professional activity related to the provision of public services" [48].

The fight against corruption is an urgent task of state policy in recent years. The "machine" for bringing officials to justice for offenses in the field of corruption began to work actively. [49].

A generalization was made [50] that the acceptance of an offer, promise and receipt of an illegal benefit by an official as a crime provided for in Art. 368 of the Criminal Code of Ukraine, is one of the most dangerous forms of selfish abuse of power or official position. However, this crime does not have any adequate legal method of combating it, as currently the sanctions are not clearly defined and not fixed in the legislation. Punishments are blurred, corruption cases drag on for a long time, inefficiently and without results. It would be correct if corruption were enshrined in the law not only as a concept, but also all the signs of the crime were clearly described, as well as regulated punishment for corruption, since sufficient awareness of all sections of the population, delineation of the boundaries of the fight against corruption should give positive results.

According to the results of our rule-making practice [51-55], it was proposed to strengthen the level of criminal liability under Art. 368 of the Criminal Code of Ukraine (Example 6, receiving a bribe in the amount of \$300,000): from 15 years to life and a fine for the amount of the bribe, i.e., \$300,000 (Table 1).

Table 1. Article 368 of the Criminal Code of Ukraine. Acceptance of an offer, promise or receipt of an improper benefit by an official.

No.	Disposition of the article and punishment for its violation	Disposition of the article and proposals for punishment for its violation
P. 1	Acceptance of an offer, promise or receipt by an official of an unlawful benefit, as well as a request to provide such a benefit for himself or a third person for the act or omission of such an official in the interests of the person who offers, promises, or provides an unlawful benefit, or in the interests of a third person, any what actions using	Acceptance of an offer, promise or receipt by an official of an unlawful benefit, as well as a request to provide such a benefit for himself or a third person for the act or omission of such an official in the interests of the person who offers, promises, or provides an unlawful benefit, or in the interests of a third person, any what actions using the power or official position granted –

	the power or official position granted – should be punished by a fine from one thousand to four thousand non-taxable minimum incomes of citizens or by arrest for a period of three to six months, or imprisonment for a period of two to four years, with deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years.	should be punished by a fine from one thousand to four thousand non-taxable minimum incomes of citizens or by arrest for a period of <i>six to twelve months</i> , or imprisonment for a period of three to five years, with deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years and a <i>fine for the amount of the bribe</i> .
P. 2	The action provided for in part one of this article, the subject of which was an unlawful benefit in a significant amount, – should be punished by deprivation of liberty for a term of three to six years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.	The action provided for in part one of this article, the subject of which was an unlawful benefit in a significant amount, – should be punished by deprivation of liberty for a term of <i>five to eight years</i> with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years and a <i>fine in the amount of a bribe</i> .
P. 3	The act provided for by the first or second part of this article, the subject of which was an illegal benefit in a large amount, or committed by an official who occupies a responsible position, or by a group of persons with prior collusion, or repeatedly, or combined with the demand of an illegal benefit, – should be punished by deprivation of liberty for a term of five to ten years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years, with confiscation of property.	The act provided for by the first or second part of this article, the subject of which was an illegal benefit in a large amount, or committed by an official who occupies a responsible position, or by a group of persons with prior collusion, or repeatedly, or combined with the demand of an illegal benefit, – should be punished by deprivation of liberty for a term of <i>eight to twelve years</i> with deprivation of the right to hold certain positions or engage in certain activities for a term of up to seven years, with confiscation of property and a <i>fine in the amount of a bribe</i> .
P. 4.	An action provided for by parts one, two or three of this article, the subject of which was an unlawful benefit in a particularly large amount, or committed by an official who occupies a particularly responsible position, – should be punished by deprivation of liberty for a term of eight to twelve years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years, with confiscation of property.	An action provided for by parts one, two or three of this article, the subject of which was an unlawful benefit in a particularly large amount, or committed by an official who occupies a particularly responsible position, – shall be punished by deprivation of liberty for a term of <i>fifteen years to life</i> with deprivation of the right to hold certain positions or engage in certain activities for a term of <i>up to ten years</i> , with confiscation of property and a <i>fine in the amount of a bribe</i> .

Conclusions. On the basis of the conducted forensic and pharmaceutical, criminal and legal, social and economic research, the reasons and conditions causing

bribery in the field of healthcare, committed by doctors who were officials, were analyzed. The analysis of the forensic and pharmaceutical practice on reports of the commission of crimes showed that there is no information about the participation of lawyers in the system of legal relations "doctor-patient-investigator-lawyer". The obtained conclusions indicate that it is necessary to increase the level of advocacy during the investigation of criminal cases at the pre-trial and judicial investigation.

In addition, it is necessary to strengthen information work among doctors and officials of health care institutions regarding the improvement of qualifications in matters of medical and pharmaceutical law of Ukraine. Normative initiatives to increase the level of criminal responsibility under the Art. 368 of the Criminal Code of Ukraine were proposed.

It was recommended that the leadership of the KhMAPE, Public Organization "Association of Medical and Pharmaceutical Law" to appeal with a corresponding initiative to the Ministry of Health of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Cabinet of Ministers of Ukraine to prevent the causes and conditions that cause bribery among CNPO – healthcare institutions.

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