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doi: 10.21564/2414–990x.133.66962  
УДК 343.545:340.13 007.51:316.324.8

## LEGALIZATION OF PROSTITUTION AND DECRIMINALIZATION OF RELATED ACTIVITIES IN UKRAINE

*The paper discusses pros and cons of the legalization of prostitution and decriminalization of related activities, proves the necessity of resolving the issue from the perspective of human rights and interests of society, proposes changes to the current legislation of Ukraine and specific methods of information support of this process.*

**Keywords:** prostitution; legalization; information support; legal protection; human rights; Ukraine.

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**Легализация проституции и декриминализация отдельных связанных с ней видов деятельности в Украине**

*Рассмотрены отдельные аргументы «за» и «против» легализации проституции и декриминализации связанной с ней деятельности, обоснована необходимость решения проблемы с точки зрения прав человека и интересов общества. Предложены изменения в действующее законодательство Украины и отдельные методы информационного обеспечения указанного процесса.*

**Ключевые слова:** проституция; легализация; информационное обеспечение; уголовно-правовая охрана; права человека.

**Issue statement.** Just like any other sensitive issue, such as introduction or abolition of the death penalty, legalization or prohibition of firearms and (or) narcotics and precursors, the issue of criminal procedure against prostitution or, on the contrary, its recognition as good behavior with simultaneous decriminalization and other related activities, has always drawn attention and aroused genuine interest. Of course, there are different views and arguments in connection with

the above matter. The legal assessment and public attitude vary as well. But this occasion brings up a conventional parallel with a situation, where private business activities (Article 150 of the Criminal Code of Ukraine of the year 1960) and commercial mediation (Article 151 of the Criminal Code of Ukraine of the year 1960) prohibited before August 06, 1992 (the date the Law of Ukraine “On Making Amendments and Addenda to the Criminal Code of Ukraine, the Code of Procedure of the Ukrainian SSR and Ukrainian SSR Code of Administrative Violations” No. 2547-XII of July 07, 1992 came into force [22]) had already been perceived for quite some time not only as a normal type of behavior of a person, but also had been showing signs of a general direction towards the development of market relations, as chosen after the independence of Ukraine. Perhaps, the problem of how the society should deal with the prostitution issue is as artificial taboo that will not withstand a balanced analysis and constructive arguments.

***Analysis of the recent research.*** The matter in hand, including the perspective of the criminal procedure against prostitution and related activities, has been highlighted in the works of Y. M. Antonian, O. N. Balakiriev, I. O. Bandurka, V. M. Bronner, F. H. Burchak, A. V. Vyhovska, B. V. Volzhenkin, N. L. Volkov, A. O. Habiani, M. M. Hernet, Y. I. Hilinskyi, V. O. Hlushkov, I. M. Danshin, A. I. Dolhova, L. V. Dorosh, A. I. Yelistratov, V. O. Ivashchenko, O. M. Ihnatov, M. O. Isaiev, I. I. Karpiets, V. A. Kozak, M. Y. Korzhanskyi, N. M. Kuznietsova, L. S. Kuchanska, N. O. Lopashenko, O. H. Manych, M. I. Melnyk, O. V. Nadon, A. M. Orlean, A. V. Plotnikova, P. P. Serdiuk, A. A. Stanska, A. K. Stepaniuk, V. V. Suchkova, Y. V. Fesenko, N. V. Ukhanova, O. M. Fedyk, V. D. Filimonov, P. L. Fris, V. I. Shakun, T. A. Shevchuk, S. V. Shlyk, A. Y. Shpakov, N. M. Yarmysh, S. S. Yatsenko, and other scholars. However, the issue remains unsolved, although it has been recognized at all levels as a domestic and international obstacle to the normal development of society.

***The objective*** of this paper is examining arguments for and against the legalization of prostitution and decriminalization of certain related activities (trading in prostitution, running brothels, etc.), ensuring the legal protection of society and state at an adequate level, determining possibilities and methods of information provision of the research results, as well as forming a public opinion and initiating legislative changes.

***Main statement.*** The criminal responsibility for systematic prostitution (i.e., at least three legally proven facts in regard of multiple entities-clients) has been introduced in our sovereign state on September 1, 2001, simultaneously with the entry into force of the current Criminal Code of Ukraine. The adoption of the new Code has provided an opportunity to rethink attitudes towards the abovementioned problem and consider the public opinion that in the form of a legal standard appeared to support resolute prohibition and criminalization of the designated activities.

Previously, standards of the Criminal Code of Ukraine of the year 1960, Article 208 Chapter 210 “Crimes against public safety, public order and public health”, required imprisonment for up to five years for the involvement of minors

in prostitution (although the latter itself was not recognized as a criminal activity) and criminal responsibility for running brothels and the procurement of women (Article 210 of the Criminal Code of Ukraine of the year 1960) with imprisonment for up to five years.

Part 1 of the Article 303 of the Criminal Code of Ukraine in the original edition of 2001 defines prostitution as commercial provision of sex services to generate income. The subject of the crime in hand is behavior of a male or a female (full gender equality statement) that might lead to a conclusion that systematic prostitution is a person's wish by choice to maintain it as a profession providing main or even additional income. Such persons would be subjected to a fine of fifty to five hundred untaxed minimum incomes or community service for up to one hundred and twenty hours. In accordance with Article 12 of the Criminal Code of Ukraine, such illegal activities are classified as minor crimes.

The assumed social danger of this crime (Article 303 of the Criminal Code of Ukraine) is encroaching on social relations that ensure basic principles of morality in the field of sexual pleasure, trampling on existing traditions and conceptions of morality in the sphere of sexual relations, as well as the detrimental effect on the moral state of the society and education of the youth. Based on the relation between the generic and the direct object of the crime, the said relations were considered as a part of the public order and (or) public health.

The decriminalization of prostitution has occurred unexpectedly without any significant preparation of the public opinion, basing on the Law of Ukraine "On Amendments to the Criminal Code of Ukraine to strengthen the responsibility for human trafficking and involving persons in prostitution" No. 3316-IV of January 12, 2006 [23], while simultaneously strengthening the criminal responsibility for human trafficking (Article 149 of the Criminal Code of Ukraine) and trading in prostitution or involving a person in prostitution (Article 303 of the Criminal Code of Ukraine has been presented in the new edition).

For the first time ever, the abovementioned Law of January 12, 2006 was published in the *Holos Ukrayiny* newspaper No. 26 of February 10, 2006, but in spite of the direct instruction in Section II that it shall enter into force on the day of its publication, as required by Part 1 of the Article 4 of the Criminal Code of Ukraine (according to which the law on criminal responsibility shall enter into force ten days after its official publication, unless otherwise provided by the law, but not before the date of publication), February 11, 2006 should be considered the date when persons systematically providing or having had provided (due to the reverse effect of the law on criminal responsibility) sexual services to generate income could no longer be prosecuted.

Therefore, the criminal responsibility for engaging in prostitution has lasted from September 1, 2001 till February 11, 2006, that is 4 years, 5 months and 10 days. This period of time is so relatively long that it may be compared with the continuous work of one government, performance of duties of the President of Ukraine by one person or activity of a legislature.

Explanatory notes to the Law of January 12, 2006 [24] mostly paid attention to combating human trafficking and transnational organized crime, but unfortunately, contained no justification for the decriminalization of prostitution.

A thesis research on “Criminal Responsibility for Organizing Prostitution” allowed A.V. Plotnikova to come to the conclusion that there has been no science-based reason for the criminalization of prostitution implemented in Ukraine in 2001 without complying with theoretical assumptions affected by the criminal law science about the allocation of responsibility for socially dangerous acts and existence of certain periods of legal regulation of prostitution, namely: 1. Ancient Russian State; 2. Duration of the 1649 Council Code of Tsar Alexei Mikhailovich; 3. Peter the Great’s Military Statute (Articles); 4. Codified source of the Ukrainian law – “Laws by which the Little Russian People are Judged” of 1743; 5. “Charter of Obedience” (Police Charter) of 1782 and the introduction of special measures to combat prostitution, including closing mixed baths to prevent prostitution; 6. Legalization of the above activity in the Russian Empire (1843) in accordance with the “Rules for the Maintenance of Brothels”, which provided a certain guarantee of police and sanitary control over prostitution; 7. From the October Revolution of 1917 till late 1960s (transition from the policy to prevent illegal prostitution to repression against the very people who provided sexual services); 8. From the adoption of the Criminal Code of 1960 (establishing responsibility for running brothels and trading in prostitution); 9. Since the entry into force of the Criminal Code of Ukraine of 2001; 10. Our time, starting with 2006, when prostitution was decriminalized [20].

Thus, as of today, there has been established a criminal responsibility for engaging a person in prostitution or forcing them into prostitution with the use of deception, blackmail or vulnerable state of the person, or with the use or threat of violence, as well as trading in prostitution, i.e. person’s actions in favor of maintaining prostitution by another person (Article 303 of the Criminal Code of Ukraine), and an administrative responsibility for prostitution (Part 1 of the Article 181-1 of the Code of Administrative Offences of Ukraine implies a warning or a fine ranging from five to ten untaxed minimum salaries; Part 2 of the Article 181-1 of the Code of Administrative Offences of Ukraine (in case of recurring actions within one year after the imposition of an administrative penalty) implies a fine ranging from eight to fifteen untaxed minimum salaries).

The criminalization of prostitution followed after almost five years of its entry into force by its decriminalization, maintaining legal responsibility for it, but of a less severe type – an administrative responsibility, indicates legislator’s vagueness as a concentrated declaration of intent of the society in regards of the phenomenon.

According to the media, in September 2015, the Verkhovna Rada of Ukraine has received a draft law on the legalization of prostitution [16], and in October, it has been reported that the law draftsman has withdrawn the project and has been preparing the next one – to strengthen the responsibility for it [21].

According to the results of the nationwide poll held by Kiev International Institute of Sociology, 56% of women providing sexual services are neither employed nor

currently studying, 31% are employed (12% work on a regular basis, 19% have odd jobs), 8% of respondents are students of higher educational institutions, 5% study in vocational schools and junior colleges, 0.3% go to high school [25].

Studies held by the Ukrainian State Institute for Family and Youth show that sex business has become the most reasonable sources of income for many women, as 50% of them have to take care not only of children but their parents as well [31].

The proceeds from the field of sex workers are quite impressive. As estimated by the police, there are at least 3,000 workers per day in Kyiv alone, while other sources name 5,000 people. If we take an average of \$80 per customer and an average of three customers per day, it appears that prostitutes from the country's capital earn over a million dollars in their regular day meaning more than a third of a billion a year. And daily bribes received by structures that cover the business, including the police, reach up \$200,000, according to sources at the prosecutor's office [26].

The experience of countries that legalized prostitution (Austria, Greece, Latvia, Netherlands, Germany, Hungary, Switzerland, etc.), support the limited legalization model (Belgium, Great Britain, Spain, Norway, Czech Republic, Sweden, etc.), hold responsible the customer (France, Norway) or forbid it completely (Albania, Moldavia), proves that the fight against prostitution is ineffective regardless of the social system, economic development level, national traditions or cultural values.

From a geopolitical perspective, profits from prostitution and related services are second next to drug trafficking and exceed revenues from the arms trade.

It should be acknowledged that prostitution is a historical phenomenon and attempts to conceal or fight it (in fact, no one has ever succeeded) look either naive or counterfeit. Quoting the famous blogger Gorky\_Look [7], permitting or prohibiting prostitution is similar to kidney failure – one can only recognize the fact of its existence and decide what to do: start treating it or watch what the conclusion of all that would be; requiring the society that generates business processes to give up their side effects is the same as requiring an airplane not to cast shadows.

If the government officially refuses to regulate this area, criminal and (or) shadow structures start managing it which only worsens the problem in general.

According to professor Y.L. Streltsov, the government intervention in the sector of economic relations should be boosted through a series of measures for necessary correction and clarification of complex processes through: 1) creating conditions for the implementation of certain social benefits; 2) controlling existing trends; 3) affecting negative events that may occur within a particular economic model (poverty, criminal activity, etc.) [30, p. 56-60].

Researchers point at the economic basis of the consumption of sexual services directly depending on the cultural significance of sex along with the improvement of working conditions in the legal environment. Only such a broad context of economic, cultural, political and legal changes allows to effectively evaluate the potential empowerment, fair or unfair labor elements in the field of provision of sexual services [1].

In a world controlled by the basic instinct, everything is dominated by temptation and everyone knows about it, as formulated by G. Deleuze and F. Guattari [8, p. 284] – authors of the first book *Anti-Oedipus* of the *Capitalism and Schizophrenia* diology placed on a par with such philosophical writings as *Metaphysics* by Aristotle, *Republic* by Plato, *Summa Theologiae* by Thomas Aquinas, *Discourse on the Method* by René Descartes, *Critique of Pure Reason* by Immanuel Kant, *The Phenomenology of Spirit* by G.W.F. Hegel, *Thus Spoke Zarathustra* by Friedrich Nietzsche, *Being and Time* by Martin Heidegger, etc.

Here are some facts that can be found online upon the request “history of prostitution”: 1. The Old Testament mentions Rahab the Harlot who lived in Jericho and hid two Joshua’s spies in her house, for which she was pardoned during the assault, while all the remaining inhabitants were killed; she was honored (mentioned in Heb.11:31 among heroes of faith), declared “righteous based on her deeds”, including misleading king’s servants (James 2:24-26) [28]; 2. It is considered that the Greek goddess Aphrodite was a courtesan, so temples devoted to her, including the one in Paphos necessarily hosted a group of sacral prostitutes [29]; 3. Laws of Hammurabi dating back to the 18<sup>th</sup> century BC protected the reputation and property of both ordinary prostitutes and temple “Naditu” (“God’s sister”, “consecrated women”) prostitutes [11]; 4. The Athenian lawmaker Solon (between 640-635 – about 559 BC) was the first to introduce taxes on this trade. During that time, brothels (“dicterions”) emerged with bare Asian female slaves inviting guests at the entrance [9]; 5. If a female resident of ancient Rome wished to engage in prostitution, she appealed to magistrates and received *licentia stupri* (authorization reaffirming this status and simultaneous deprivation of legal capacity) [10], but over time the fast-growing scale of this phenomenon forced Emperor Tiberius to issue a special edict prohibiting senators’ and horsemen’s daughters to engage in prostitution [19]; 6. In the Middle Ages, people cultivated an image of a prostitute who sincerely repented, like Mary Magdalene or Mary of Egypt, and St. Augustine the Blessed, a Christian theologian and church leader, said, “Remove prostitutes from human affairs, and you will unsettle everything because of lusts” [17]; 7. The honest courtesan of Italy (“cortigiane oneste”) were dependent on one or several wealthy patrons while generally having a certain independence and freedom of travel [14]; 8. According to O.F. Kistiakovskiy’s observations of the 19<sup>th</sup> century Siberia, landlords, especially ones residing near busy tracts where workers returned from gold mines, used to offer their own wives and daughters to any person staying at their house at additional charge [27, p. 257]; 9. The Quran prohibits once common temporary marriage for one night (*mut'a*) that granted the right to sex and an associated gift (*mahr*) [12]; 10. With the spread of the feminist movement in the 1980s and the emergence of non-governmental organizations protecting rights of prostitutes, a new image of prostitution as a job or a paid service to be legalized is created [3].

In this regard, it is reasonable to consider pros and cons of the legalization of prostitution.

Cons include a typical generalized opinion, as expressed by T. Bielavina, a Senior Researcher at the Laboratory of Psychology of Mass and Community of the Institute of Social and Political Psychology of the National Academy of Pedagogical Sciences of Ukraine: “I would have supported it if all other problems in our country have already been solved. I guess now is not the right time to deal with the legalization of such disputed issues. We can get lots of things legalized. One can legalize drug abuse, corruption or prostitution. But morality is in question here, and it would be quite problematic to resolve this issue in a Christian country. On the other hand, in terms of gender equality, it seems very humiliating for women. The case concerns primarily prostitution of women implying a completely legal exploitation of women, and, of course, no gender equality. The first thing that will be offered to young women at employment centers is prostitution, as it will be legalized as one of the professions. In my opinion, a powerful socio-psychological research on how society will accept this is significant. I believe my personal opinion may not coincide with the official opinion, but this is not completely moral behavior” [16].

Consequently, cons can be classified as follows: 1. Other problems have not been solved yet, some of more important issues, including one in the field of economy and social protection, need more attention; 2. This is an assault on moral foundations of society; 3. Gender equality is not ensured; 4. The public opinion is not yet prepared for such a step.

It appears obvious that if there is a problem, there is no better time to start solving it than here and now. Moreover, it is connected with other problems, both economically and socially, as a link of a common system. And even those who chose the activity in question need social protection as a part of the community not limited in its rights.

In terms of morality, in a country where most people think they are Christians, but they never got to read or familiarize themselves with commands of the Old and (or) New Testament, they should be aware that: 1. The practice of providing one’s wife under the guise of a sister for marriage to a local leader of the highest rank for benefits and privileges followed by her return along with significant material gains is favored (Gen. 20:2-20:11 – the story of Abraham, Sarah and Pharaoh, Gen. 26:7 – Isaac and Rebekah); 2. In ancient Israeli society, prostitutes were protected by law (3 Kings 3:16-18), Hosea the Prophet was married to a prostitute named Gomer (Hos. 1:2-3), Samson the Nazarite used services of prostitutes (Jdg. 16:13); 3. A person engaged in prostitution may have advantages in terms of getting to heaven: “Truly I tell you, the tax collectors and the prostitutes are entering the kingdom of God ahead of you” (Matt 21:31), etc. (a research on tax collectors is probably coming next).

Legalization does not imply that a prostitute will visit children in schools and kindergartens on the New Year’s Eve instead of the Snow Maiden. Those who have just started creating their own views of life need to be protected from drinking alcohol, playing with flammable objects, and viewing art and other works with elements of cruelty, violence and pornography. And all the rest, adults and

concerned citizen, should have a free choice. Prostitution itself is less immoral than low-grade products being broadcast on television, condescending attitude to beer alcoholism, including the involvement of young people in it, or the behavior of elected deputies who even skip parliamentary sessions.

In terms of gender equality, labor exploitation of both women and men can be done on equal terms, with peculiarities in favor of women as stated by applicable labor laws. Besides, an unconfirmed [2] message from V.O. Ivashchenko [13] states that the International Labour Organization has officially recognized engagement in the sex industry a profession.

As for public opinion and its formation, the following should be noted. There is quite a common misconception: if the society has developed a certain public opinion, it may take a while before it changes. In fact, confidence in the stability of the public opinion in a certain historical moment driven by a particular issue is very shaky. There are individual views in the society, but there is no common view or opinion.

Compassion supported and cultivated by morality and religion can promote a particular vector of the public opinion towards patience and tolerance, awareness of the possibility of overcoming some of the problems associated with prostitution, by its actual legalization.

Albert Hadley Cantril (1906-1969), a famous American social psychologist and specialist in PR, a starting point for the cooperation between US governments and public opinion research organizations, formulated certain laws in his work "Gauging Public Opinion" [6], which can also be used for the formation of the society's sentiment about the legalization of prostitution: 1. Public opinion is extremely sensitive to significant events; an event that is extraordinary for its informative attractiveness may shake the public opinion for a certain period of time from one extreme to another (e.g, a tragic accident that occurred at an exposed brothel); 2. Public opinion is generally more shaped by events rather than words (an appeal should be preceded by a corresponding law and related regulations that will collectively be the starting point for the formation of social consciousness based on the motivated legislator's intent); 3. From a psychological point of view, the public opinion is determined by vested interests of people; events, words and any other incentives affect the opinion proportionally with its connection with personal interests (i.e. if pensioners and public sector employees find out about sources of stability and growth for their income, they may turn out the most fervent supporters of the legalization of prostitution); 4. Countermeasures to decisive actions by the authorities are more restrained, if the population feels that it is in some way involved in decision making (secondary issues should be brought up for discussion); 5. People have a more defined attitude and a stronger ability to make statements on the goals rather than methods of achieving them; 6. The public opinion is always emotionally charged as it is prone to significant fluctuations under the influence of certain events; 7. The more advantages people find due to certain changes, the sooner they agree with them, as well as expert statements in their support.

The ability of public opinion to be subjected to rapid changes is also confirmed by Columbia University sociologists A. Gelman, J. Lax and J. Phillips, who associate this phenomenon with decisive changes in the legislation in favor of the formation of the desired public attitude (an example is provided where after the adoption of a law, people got used to the new reality and formed their new attitude, which was completely opposite to the previous one) [4].

There are the following ways to achieve the goal of creating a positive public opinion [18]: 1. Providing the audience with information regarding an unknown phenomenon, based on which they would either have to change their own behavior, or at least gain an expected attitude towards the issue; 2. Reporting new information on the known phenomenon, based on which a certain correction of the attitude and behavior is possible; 3. Affecting the contents field by another motivation and evaluation immediately, without adding any brand new information. These methods have been previously used as arguments to different extents and can be expanded more widely in the future.

Additional arguments for the legalization of prostitution can be as follows. This business in its current form leads to women being enslaved by their pimps and (or) law enforcement officers who cover the specified activity. One can quit any profession or activity if it is decriminalized and legalized.

Ronald Weitzer, Professor of Sociology at George Washington University (USA), insists on the fact that the outmoded ideology, according to which prostitution is regarded purely as deviant and immoral behavior, should be given up [5].

The more prostitution gets formally prohibited, the more exposed to violence those who provide these services are. This is an unacceptable price to maintain fake morale and fraud.

A law that will provide for licensing these activities, setting procedures for the provision of services, as well as restrictions and warnings, etc. needs to be adopted.

Legalization of prostitution, abolition of administrative responsibility (Article 181-1 of the Code of Administrative Offences of Ukraine), and decriminalization of related activities (Article 302 of the Criminal Code of Ukraine – creating or running brothels and trading in prostitution; Article 303 of the Criminal Code of Ukraine – pimping or engaging others in prostitution) along with the preservation of criminal responsibility for trafficking or concluding other illegal agreements, the object of which is a person, as well as recruitment, transportation, harboring, transfer or receipt of a person executed for exploitation, with the use of deception, blackmail or vulnerable state of a person (Part 1 of the Article 149 of the Criminal Code of Ukraine), should ensure equal rights for the person engaged in prostitution, namely: 1. The right to refuse (clients, employer, profession in general); 2. The right to proper working conditions and trade union or judicial protection; 3. The right to anonymity; 4. The right to social security and retirement benefits; 5. The right to self-organization, etc.

Besides, legal provisions embodied in Article 130 (infection with HIV or any other incurable contagious disease), Article 131 (improper performance of professional duties that caused person's infection with HIV or any other incurable

contagious disease), Article 132 (disclosure of information on medical examination to detect infection with HIV or any other incurable contagious disease), Article 133 (infection with venereal disease), Article 146 (unlawful imprisonment or kidnapping), Article 150 (exploitation of children), Article 152 (rape), Article 153 (unnatural sexual relation), Article 154 (sexual coercion), Article 155 (sexual intercourse with a person who has not yet entered puberty), Article 156 (corruption of minors), Article 161 (violation of citizens' equality based on their race, ethnicity, religion, disability and other grounds), Article 172 (gross violation of labor legislation), Article 173 (gross violation of an employment contract), Article 174 (coercion to participation in a strike or hindering in participation in a strike), Article 175 (non-payment of wages, stipends, pensions and other statutory payments), Article 182 (violation of privacy), etc. of the Criminal Code of Ukraine will still maintain their protective and preventive effect.

If Ukraine legalizes prostitution, while nonviolently nullifying the background for shadow and criminal activity, it can be considered a step towards a democratic society and universal human values. Otherwise, it moves in an opposite direction.

Thoughts on this matter among persons endowed with powers are quite interesting too. E.g. Oleksandr Tereshchuk, Head of Ukraine's Interior Ministry Department in Kyiv, proposed to legalize prostitution, and Mykhailo Prytula, former Head of Interior Ministry's Department of Internal Security, expressed confidence at the *Holos Stolyci* radio station that activities in this field of the service sector need to be legitimized [15].

**Summary.** Therefore, it is proposed to abolish the administrative responsibility for prostitution (Article 181-1 of the Code of Administrative Offences of Ukraine), exclude Article 302 (creating or running brothels and trading in prostitution) and Article 303 (pimping or engaging others in prostitution) from the Criminal Code of Ukraine. The responsibility for engaging others in prostitution or forcing them into prostitution with the use of deception, blackmail or vulnerable state of the person, or with the use or threat of violence, shall be ensured through the implementation of the protective function characteristic of the legal provision embodied in Article 149 of the Criminal Code of Ukraine, namely trafficking or concluding other illegal agreements, the object of which is a person, as well as recruitment, transportation, harboring, transfer or receipt of a person executed for exploitation, with the use of deception, blackmail or vulnerable state of a person. Legal provisions embodied in Articles 130, 131, 132, 133, 146, 150, 152, 153, 154, 155, 156, 161, 172, 173, 174, 175, 182, etc. of the Criminal Code of Ukraine will still maintain their protective and preventive effect. A law that will provide for licensing these activities, setting procedures for the provision of services, as well as restrictions and warnings, etc. needs to be adopted. In this case, the indicated activity will gain entrepreneurial or business elements, while having labor, civil, business, finance and other areas of law covered. However, it may be given a special status, which is currently provided for notaries, journalists or lawyers. Of course, apart from Article 149 of the Criminal Code of Ukraine, other provisions such as ones of Chapter 2 "Crimes against Life and Health" will

protect rights and freedoms of people and citizens, property, civil order and safety, environment, constitutional order of Ukraine from criminal attacks, while securing peace and security of mankind and preventing crimes.

**Prospects of further research.** The issues in question are as inherently controversial as the legalization of narcotics or firearms, which gives them a potential for further research, discussion and improvement at both scientific and legislative levels. And if there has actually been introduced criminal liability of legal entities (although it is defined as other measures in the legislation) by the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine (Concerning Fulfillment of the Action Plan for Liberalization by the EU of the Visa Regime for Ukraine Relating to the Liability of Legal Entities)” No. 314-VII of May 23, 2013, we can make another step in suppressing the unnecessary bigotry and crime gold mine.

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**Легалізація проституції та декриміналізація окремої пов'язаної з нею діяльності в Україні**  
*Розглянуто окремі аргументи «за» та «проти» легалізації проституції та декриміналізації пов'язаної з нею діяльності, доведено необхідність вирішення проблеми з точки зору прав людини та інтересів суспільства. Запропоновано внесення змін у чинне законодавство України та застосування окремих заходів інформаційного забезпечення вказаного процесу.*

**Ключові слова:** проституція; легалізація; інформаційне забезпечення; кримінально-правова охорона; права людини.

*Надійшла до редколегії 15.05.2016 р.*