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Main Development Trends in InternationalCriminal Law: From the Origins of the Concept to the Present

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Abstract

This study investigated the theoretical and legal foundations of the development of international criminal law and identified its main trends. The development principles of international criminal law and the factors that influenced the establishment of international criminal law were analysed. The concept of international criminal law and the changes that describe its development was investigated. International law, which constitutes a system of legal principles and provisions, forms an established mechanism of action of its structure, which is expressed in the interaction and consistency of its elements, is aimed at regulating interstate relations to ensure peace and cooperation. International law exists as an objective sophisticated regulatory system that was formed in the course of long historical development and continues to develop intensively. As a regulatory mechanism, the system of international law makes provisión for the ability to establish systemically important international legal relations, as well as systems of relations between its elements. Among the numerous trends in the development of international criminal law, the following are distinguished and analysed: the trend of separation of international criminal law as an independent branch of international law; the convergence of national legal systems and the constant implementation of the provisions of international criminal law; the trend of internationalisation of international criminal law; the trend of development of international criminal justice.

Keywords: concept of international criminal law, internationalisation, convergence of national legal systems, international criminal justice.

Introduction

Representatives of foreign science emphasise such an important and defining feature of the international system as its global or universal nature. Spanish Professor C. J. Piernas (2009) believes that the modern system of international law "is planetary not only because it is actually universal, which is

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obvious, but also because the scale of the huge problems that put pressure on it makes it planetary, whether it is organised crime, terrorism, migration flows, environmental degradation, financial crises, or military conflicts". C. J. Piernas (2009) noted that the modern system of international law is located between two poles: the pole of unity and the pole of fragmentation, and at the epicentre of the combination of these two trends, as always, is a sovereign state. Professor W. Friedman (1966), in his study entitled "The Changing Structure of International Law", stated that "in modern conditions, the classical system of international law has acquired many new areas".

One of such areas is international criminal law, which acquired an independent nature after the Second World War and the reason for this was the criminal punishment of war criminals, as well as persons who committed crimes against peace and international security by unleashing war. However, elements of international criminal law and international criminal responsibility appeared much earlier than the modern era and are associated with wars. In modern times, the problems of international criminal law have acquired an extremely great socio-political importance, which is of interest not only to statesmen, diplomats, and lawyers, but also to the entire international community.

The first researchers to substantiate the concept of international criminal law were Russian scholars N. M. Korkunov and F. F. Martens. In the late 19th century, Professor N. M. Korkunov (1889) addressed the need for international criminal law, arguing that the rules of the latter are intended to protect the principles of interstate cooperation. In the 19th century, the concept of international criminal law focused mainly on theories of national criminal jurisdiction and issues of mutual legal support of states in criminal cases. At the beginning of the 20th century, international criminal law was also interpreted as a narrow range of provisions that regulated the operation of criminal law in space, as well as issues of legal support and extradition of criminals. In the second half of the 20th century, international criminal law received a considerable development, which is proved by the adopted international legal acts of both universal and regional nature, as well as the doctrinal justification of theoretical and methodological provisions.

As noted in the literature, "the doctrine of international criminal law began its existence with the study of problems of interaction of states on the implementation of measures of criminal repression and covered all issues that are at the intersection of international law and national criminal law systems (mainly the regulation of criminal jurisdiction and law applicable to crimes with a foreign element, that is, problems similar to those arising in the consideration of civil cases and relate to "conflict-of-laws" or "private international law")" (Zelinskaya,

2007; Beznohykh, 2017; Caeiro and Costa, 2019). Thus, this study was aimed at analysis of the theoretical and legal foundations of the development of international criminal law and revealing its main trends.

Analysis of Previous Studies

The origin of the term "international criminal law" is associated with German legal terminology. Back in 2018, L. von Bar considered international criminal law separately from private international law (Tan, 2020). As is known, the term "private international law" was applied by J. Story in 2018. J. Story devoted a chapter of his Commentaries on the Conflict of Laws to conflicts in criminal law. Since, from its very beginning, international criminal law was considered to govern a narrow range of issues concerning the jurisdiction of internal criminal courts, some authors considered it an integral part of private international law, rather than public international law. Another opinion was to deny the connection between international criminal law and private international law. This was the stage of the development of international criminal law.

The next stage in the development of international criminal law was related to the decisions of the Nuremberg and Tokyo International Tribunals. After the Second World War, the issue of developing elements of international crimes, primarily war crimes, and the need to determine the law enforcement entity became acute in international criminal law. Nuremberg International Military Tribunal became such an entity *ad hoc*. The main trends in the development of international criminal law under the influence of the Nuremberg trials can be noted as follows. Firstly, the development of international criminal provisions aimed at maintaining peace, preventing aggression, namely the development of a code of crimes against the peace and security of humankind, the approval of legal provisions prohibiting propaganda of war, the development of concepts and compositions of crimes against peace, humanity, and recognition of them as serious international crimes against the entire world community, against the foundations of international law. Secondly, the elaboration and formulation of these provisions, as well as the decisions of the Nuremberg Tribunal, contributed to the development and adoption of numerous international legal provisions on the protection of human beings in peacetime and cooperation of states in this area. The Universal Declaration of Human Rights (1948), the Geneva Conventions for the Protection of War Victims of 1949 (The Geneva Conventions of 1949…, 2010), as well as numerous conventions, such as the Convention on the Prevention and Punishment of the Crime of Genocide (1948), etc., were adopted. Thirdly, the introduction of the principle of responsibility of top officials of states for planning and committing international crimes into international practice and international

law (Schwarzenberger, 1950; Kondra, 2018; Jackson, 2019; Ryška, 2020; Kreß, 2021; De Souza Dias, 2018). Such persons are not exempt from liability, even if they acted by order of the government or by order of the chief. The statute of limitations does not apply to such crimes, which was later stipulated in the Special Convention on the Non-Application of the Statute of Limitations to such crimes of November 26, 1968 (Convention…, 1986). UN documents have repeatedly raised the issue not only of the development of certain problems of international criminal law by the UN International Law Commission, but also of a comprehensive doctrinal study of the entire system of international criminal law regarding modern relations between states in countering international crime. Moreover, within the framework of the UN congresses on crime prevention and treatment of offenders, which have been convened every five years since 1955, recommendations were developed and subsequently provided to states for the adoption of model agreements on the extradition of criminals, on legal support in criminal cases, etc(Bassiouni, 2009; Zelinskaya, 2011).

Over time, the concept of international criminal law has transformed, focusing on other issues of the modern world. The historical experience of the 20th century has formed a new view on the problem of theoretical understanding of international criminal law. Conceptually, the understanding of international criminal law in the doctrine of international law developed from denying its independent existence (Kreß, 2021; Schwarzenberger, 1950), defining it as a branch of public international law (Jackson, 2019;Ryška, 2020; De Souza Dias, 2018), to recognising its independence. Famous British researcher, Professor G. Schwarzenberger (1950) was strongly opposed to international criminal law. He conducted a lot of research, analysed the interpretation of this concept known at that time, and concluded that such a branch of law does not exist and the contradiction inherent in the concept of international criminal law implies the existence of supranational power. And the lack of power that would be able to apply the law to all states, including those that have the right of veto in the UN Security Council, deprives the international community of the most essential condition on which criminal law depends. G. Schwarzenberger believed that as a separate branch of international law, "international criminal law" has not yet developed.

In the field of international cooperation in combating crime, the president of the International Criminal Law Association *Mahmoud Sheriff Bassiouni*(2009) is called the "father of international criminal law" and the founder who for the first time conducted a comparative analysis of the terms "organised crime" and "international terrorism", pointed out different orientations of criminals in these cases – obtaining benefits and political interest. Over time, as crime became

internationalised, international criminal law focused on coordinating joint efforts of states to combat crime, which considerably expanded its conceptual framework. A clear distinction was made regarding the international political responsibility of states and the international criminal responsibility of individuals; the principles of international criminal responsibility were developed and crimes of an international nature were put into a separate group.

The Concept of International Criminal Law

In modern times, international criminal law has been developed as a single, independent system of law, different from the national law of particular states, which functions in the international statutory system, being a statutory subsystem within its framework. Therewith, the international system includes not only certain subjects, but also relations between them, international legal and other social norms, as well as interactions between all components of the international system and its components. International criminal law is based on a certain foundation – *principles of international law*, which are undoubtedly the *jus cogens* norms and contain *erga omnes* obligations. The main importance of a systematic approach in determining the principles of international criminal law is to emphasise the interrelation and interdependence of principles that have found legal consolidation in various international and internal regulations, grouped into groups (categories) and presented in a certain hierarchical order.

Modern international criminal law is a complex system entity that is developing dynamically, the growth of its role is conditioned by several reasons, including:

– the dynamism of the development of international criminal law, due to rapid changes in the structure of international crime (a sharp increase in transnational organised crime, terrorist acts, drug trafficking, cybercrime, etc.);

– an increase in the pace of international, in particular European, integration and as a result the need to harmonise and unify the national law of states based on the principles and provisions of international criminal law;

– the complex structure of public relations governed by international criminal law;

– specific nature of the sources of international criminal law;

– imperfection of the legal regulation of international crime relations;

– the need to develop an optimal model of international criminal law influence, as well as legal and judicial reforms carried out in many countries and aimed at bringing national legislation in line with the provisions of international law.

Analysis of numerous sources of international criminal law (conventions,

treaties, agreements, etc.) demonstrated that it directs its influence on solving such problems as criminalisation of criminal acts; penalisation of data in accordance with their public danger; development of international standards for the execution of punishment; development of a strategy to counter international crime in general and with individual crimes of an international nature; cooperation of states and international organisations in the prevention, suppression, detection, and investigation of crimes under international law, as well as detention of persons who committed them, and bringing them to criminal responsibility.

The provisions of international criminal law are heterogeneous, "since criminal prosecution of persons who have committed international crimes is performed within the framework of national or international jurisdiction, joint criminal prosecution can be expressed:

– in the interaction of national jurisdictions, that is, take on a transnational nature;

– in the activities of international justice bodies, that is, have an international nature in a strict sense" (Zelinskaya, 2011).

International criminal law establishes the jurisdiction of the international judicial system, the general principles of international criminal law, the composition and management of the affairs of the international criminal judicial system, the norms of international criminal procedure (investigation and prosecution, trial, penalties, appeal and judicial review), international cooperation and judicial support, enforcement of judgments.

The most important feature of the international criminal law system is that it combines provisions relating not only to criminal, but also to procedural law and to criminal correctional law, as well as to judicial proceedings(Krainikova, 2018; van Sliedregt, 2020). A detailed comprehensive definition of international criminal law was given by the Italian researcher Antonio Cassese, a recognised authority in this subject area: "International criminal law is a body of international legal provisions developed both for the purpose of prohibiting international crimes and for the purpose of imposing on states the obligation to prosecute and punish some of these crimes in extreme cases. This body also governs the procedure for international court hearings held for the purpose of prosecuting persons accused of such crimes" (Cassese, 2008). This approach suggests the complex nature of international criminal law, as well as the presence of provisions in the system of this branch of law, which differ quite noticeably from each other in the subject of their regulation. It is not difficult to see that the definition given by A. Cassese contains norms of a substantive and procedural nature.

Trend of Separation of International Criminal Law as an Independent Branch of International Law

One of the main trends in the development of international law in the 21st century was the tendency to separate international criminal law as an independent branch of international law, which is closely interrelated with national law (Bassiouni, 2009; Cassese, 2008;Kastner, 2019). One of the most inherent features of the international criminal law system is that it has a lot of features *common with the system of internal criminal law,* under the influence of which it was developed. International criminal law and internal criminal law, as well as transnational criminal law, have a common objective (purpose). Almost all authors point out that their objective (purpose) is to counteract international crime, crimes of an international nature, protect peace, etc.

International and internal law, being independent legal systems, are in constant interaction. The trend of interaction and interpenetration of international and internal phenomena and processes is global and is expressed by the intensifying interaction of international law with national legal systems in general and international criminal law (as well as its components) with internal criminal law in particular. "International criminal law is described by the fact that it preserves the international legal order in general through specific criminal law methods and means. Just as internal criminal law protects internal law and order from criminal encroachments, international criminal law is intended to combat crime through specific criminal legal means, for example in the field of international maritime law (piracy), international air law (hijacking an airplane, other crimes against civil aviation safety), diplomatic law (crimes against persons enjoying diplomatic protection), international economic law (forgery of banknotes) and other branches of international law" (Kostenko, 2001).

Regarding the impact of national law on international law, this refers to two main areas: through the content of internal law provisions and upon the development of international law provisions, the procedure for its creation. As for the impact of international law on internal law, it is primarily expressed in the implementation of the international law provisions, while it should be borne in mind that "the dominant method in the implementation of the international criminal law provisions is not a direct method, that is, the application of its provisions by the international criminal court, but an indirect one, that is, the application of its provisions by national law enforcement bodies. Sometimes, to resolve a particular criminal case, the law enforcement agency is guided by the provisions of both international and internal criminal law" (Bassiouni, 2009).

Notably, the implementation of the international criminal law provisions occurs, as a rule, through the application of corresponding provisions of internal

criminal law by national law enforcement agencies. In addition, the provisions on liability for international crimes can be implemented through the application of the provisions of international criminal law by international tribunals and directly based on the international law provisions, as evidenced by the activities of the International Military Tribunal in Nuremberg. The interaction between the international criminal law provisions and internal criminal law provisions is manifested in the fact that many national law provisions also pursue the goal of protecting the international legal order. International criminal law, as well as national criminal law, deals with crimes and subjects of responsibility; they are described by such institutions of criminal law as sanity, guilt, the age of criminal liability, the stages of criminal activity, complicity in a crime, the statute of limitations for criminal prosecution, etc.

The dynamics of this process should also be noted since it refers to the constant convergence of these two legal systems. There is a constant implementation of the international criminal law provisions, as well as their transformation through the adoption of new national criminal laws or the introduction of changes and amendments to the already existing ones. The reverse impact of internal law on international criminal law can be expressed in the mechanism for developing and adopting international provisions within the framework of the activities of international organisations or international conferences in countering international crime, up to the creation of international justice bodies and the conviction of perpetrators.

Trend of Internationalisation of International Criminal Law

The next important trend in the development of international criminal law is *the internationalisation of criminal law*. Modern crime becomes increasingly transnational in nature, demonstrating similar trends in its existence in different countries and continents. In such a situation, it is obvious that states should develop similar principles and grounds for criminal liability, common criteria for criminalisation and decriminalisation of acts, and have an appropriate system of punishments and means of criminal legal influence. Internationalisation means an increase in the number of common elements in the national criminal law and procedural systems of states; an increase in their ability to interact with each other, as well as with international law; contributes to the development of international criminal law, which plays an increasingly important role in the fight against crime (Tan, 2020). American researcher D. Fletcher (1998), in his book "Fundamental Concepts of Modern Criminal Law", expressed the belief that "there is actually much more in common between different systems of criminal law than we usually imagine". The growing danger and number of transnational crimes necessitates

better cooperation between states in developing a unified well-thought-out strategy to combat crime. The tendency to expand the criminal prohibitions common to many (possibly most) states is a consequence of the conclusion of corresponding international conventions. Coordination of joint efforts of states to combat crime has entered the sphere of interests of international criminal law, which has substantially expanded its conceptual framework. With the strengthening of integration processes, further convergence of legal systems becomes increasingly obvious (Fishbein, 2001; Konovalova, 2018).

Modern international criminal law is described by a further improvement of its important principles, a tendency to clarify the terminology used in the formulation of international legal provisions (international criminal law provisions on extradition issues are being improved, namely the principles of extradition of a criminal are being clarified, the extradition nature of the crime; the double criminality of the act; specialisation (concreteness); the non-applicability of the death penalty or other inhuman or degrading types of punishment). In this regard, the definition of the general principles of law as applicable law under the Rome Statute is of fundamental importance: these are principles "taken from the national laws of the legal systems of the world, including respectively the national laws of states that would normally exercise jurisdiction over a given crime, provided that these principles are not incompatible with the current Charter and with international law and internationally recognised norms and standards" (Rome Statute of…, 2002) the importance of this provision lies in emphasising the interrelation between international and national criminal law, and the operation of the general principles confirms the fact that the provisions of international and national criminal law act as mutual sources for each other.

The convergence of criminal legislation relating to different legal systems is observed in institutions of both general and special purity (such a structure of criminal legislation exists in most legal systems). This can be seen when comparing different legal systems according to the main criminal law institutions. The contrast between the Anglo-Saxon and Romano-Germanic legal systems has historically been conditioned by different approaches to the sources of criminal law. In the states of the Anglo-Saxon family, the main sources of criminal law were legal custom and judicial precedent: the courts not only applied, but also created the norms of law. Later, the source of criminal law was also the doctrine – treatises of legal scholars. The countries of the Romano-Germanic family were distinguished by the recognition of the law as the only source of criminal law and the rejection of case law and customary law. Nowadays, the countries of both families are somewhat retreating from these positions. In England, the codification of criminal law began in 1981 within the framework of the legal commission for

England and Wales, but has yet to be completed. While in the United States, case law was supplemented by codified criminal law: federal criminal law was created, which is a set of different regulations on federal crimes, and, in addition, each state, as well as the District of Columbia and Puerto Rico, created its own criminal code based on the Model Criminal Code published in 1962. In such circumstances, common law retains its importance only as a means of interpreting and applying the features of a crime that the law only names, but does not cover.

Romano-Germanic criminal law has always given preference to the law, seeking codification, but criminal law regulation gradually began to be enforced by other criminal acts that act along with the criminal code, as well as criminal law provisions contained in laws that are not criminal. Moreover, in the countries of this system, the idea of recognising judicial precedent as a source of criminal law is growing in favour. In particular, in Belarus, the law "On Regulations in the Republic of Belarus" recognises the Supreme Court of the state as a rule-making body, and the decisions of the plenum of the Supreme Court are recognised as regulations (Sukalo, 2006).

Differences in approaches to understanding guilt under Anglo-Saxon and Romano-Germanic law began to fade over time. In the legislation of the Anglo-Saxon family, the term "guilt" is not used at all, its function is performed by the concept of *mens rea*, which cannot be reduced to *guilt* not only because of the difficulties of translating from Latin to other languages, but also because of its content. However, even the presence of *mens rea* in an illegal act, it was not necessary in all cases to impose criminal liability, since the existence of the institution of strict liability allowed being punished even in the absence of *mens rea*. Professor A. E. Zhalinsky (2004) addressed the specific features of guilt recognition in modern German law, focusing on the fact that in Romano-Germanic criminal law, guilt (*schuld*) has always been recognised as a necessary prerequisite for criminal liability. In modern German criminal law, guilt is considered as an element of a crime, but outside the composition of the crime, outside of intent or negligence. According to the definition of the German Supreme Court, "guilt is a reproach. With a negative assessment of guilt, the subject is reproached that it acted unlawfully, that it decided to be illegal, although, acting lawfully, it could have acted in favour of the law". The convergence of Romano-Germanic and Anglo-Saxon law is considered in the following. Firstly, the U.S. Supreme Court announced *mensrea*mandatory prerequisite for criminal liability: "the statement that harm may amount to a crime, if only it is caused in the presence of *mens rea*, is not a provincial or temporary concept. It... is universal and persistent in mature legal systems..." (Kozochkin, 2007). Thus, American criminal law has moved closer to continental law in recognising the importance of the subjective

component of crime. Secondly, to replace three forms of *mens rea* proposed by the American criminal law doctrine (intent, recklessness, and negligence), the Model US Criminal Code formulated four forms of *mens rea*: (purpose, knowledge, recklessness, and negligence), thereby substantially expanding the scope of the legislative assessment of the subjective content of the crime. This also eliminated the differences between Anglo-Saxon and continental criminal law.

The trend of convergence of legal systems (families) in international criminal law is important from the standpoint of highlighting transnational criminal law in this system, because transnational criminal law develops as a component of international criminal law and is substantially influenced by internal legislation. The specific nature of international criminal law is explained by the tangible interaction with national criminal law, criminal procedural law, as well as with penal enforcement law. Important issues of prevention and suppression of international crimes and crimes of an international nature (transnational crimes) can be resolved only through the joint application of provisions of international and national criminal law. The need for the international community to respond to crimes of an international nature (transnational crimes) leads to the development of transnational criminal law, the theoretical basis of which is the doctrine of international criminal law as a branch of public international law and the international legal order based on the rule of law.

Trends in the development of international criminal justice standards

At the present stage, there is a tendency in international law to increase the independence of substantive criminal law provisions (new categories of international crimes and crimes of an international nature are emerging, the approach to understanding the subjects of international crimes is changing, and attempts to codify them are being introduced. Therewith, there is a tendency to increase the number of criminal procedural norms, strengthen their degree of detail, increase the level of their formalisation, and the emergence of an international criminal justice system. This has become particularly noticeable all over the world in connection with the establishment of international tribunals *ad hoc*, the adoption of the Rome Statute and the activities of the International Criminal Court. Especially "active development of international criminal law continued in the late 1980s and early 1990s, when work resumed on the creation of a permanent International Criminal Court". Such areas of the doctrine of international law as international criminal jurisdiction, universal jurisdiction, international justice, international justice bodies, criminal prosecution for international crimes, etc. have developed.

The purpose of international criminal justice, which "became part of the

international legal system in the process of evolution" (Bassiouni, 2009), covers the creation and functioning of international criminal justice bodies, which allows clarifying the ideas established in the doctrine of international law regarding individual international legal responsibility, as well as theories that reject the existence of an independent branch of international law – international criminal law. Furthermore, the system of modern international law comprises not only substantive international criminal law, but also the international criminal procedural law (international criminal procedure, international criminal proceedings) (Zelinska et al., 2017), and the share of procedural norms in the statutes of international criminal courts is constantly growing, including norms providing for procedural guarantees of the rights of defendants (accused). International criminal justice is an international judicial mechanism and procedure created by the international community of states to consider criminal cases of persons who have committed international crimes.

To date, several institutional models of the establishment, formation, legal regulation, organisation and operation of international criminal justice bodies are known. This system includes:

1) international military tribunals (Nuremberg and Tokyo);

2) international criminal tribunals *ad hoc*, created by the Security Council under Chapter VII of the UN Charter (international tribunal for the former Yugoslavia, international tribunal for Rwanda, International Residual Mechanism for International Criminal Tribunals);

3) mixed (hybrid) international criminal justice bodies created based on treaties between states and the UN (Special Court for Sierra Leone, Special Court for Lebanon, panels with exclusive jurisdiction over serious criminal offences in East Timor);

4) quasi-international courts – national courts whose jurisdiction by special decisions includes justice in cases of international crimes involving international judges and other participants in criminal proceedings (Extraordinary Chambers in the courts of Cambodia);

5) permanent international criminal justice bodies established on a contractual basis (International Criminal Court) (Solonenko, 2019).

The experience of legal regulation, organisation and practice of the Nuremberg and other tribunals has demonstrated that international justice should be based on a developed substantive and procedural legal framework. The legal basis for the organisation and functioning of international judicial institutions is usually conventions, bilateral and multilateral treaties, statutory and other international acts. With the adoption of the statute of the International Criminal Court under the auspices of the United Nations in Rome at the Diplomatic

Conference in 1998, the international community has taken a close look at creating a unified system of international criminal justice, which should replace individual tribunals *ad hoc*, having limited temporary and territorial jurisdiction, and ensure uniform application of international criminal law provisions. With the adoption of the Rome Statute, the first permanent court with competence relating to the most serious crimes was established and became an important event in the development of international criminal procedural law. Notably, the International Criminal Court Charter has also made considerable progress in procedural law. Procedural and substantive provisions were combined into a consolidated catalogue of provisions. Detailed rules of procedure and evidence complement the provisions of the Charter. Within the international criminal procedural law, there are provisions relating to the organisation and administration of courts; law relating to the conduct of investigations, charges, and trials; and law applicable upon the execution of sentences. Ultimately, the provisions governing the cooperation of states with the international criminal court, as a result, also have a procedural nature – along with the fact that they are critical for the functioning of international criminal law mechanisms in the foreseeable future (Verle, 2011;Simmons and Jo, 2019).

In modern international law, the process of developing the international criminal procedural law is proceeding at such an active pace that "this sub-sector can be regarded as one of the most dynamically developing in modern international law"(Biryukov, 2001). Therewith, to distinguish international criminal procedural law as an independent branch of international law, there are numerous unresolved issues, primarily concerning the content of the subject of legal regulation.

Conclusions

International criminal law is a complex branch of public international law that includes provisions of a substantive criminal, criminal procedural, penitentiary nature, as well as justice, and has its development trends. The main trends in the progressive development of this branch of law are as follows: the tendency to separate international criminal law as an independent branch of law; close interrelation with the system of internal criminal law; convergence of national legal systems and constant implementation of the international criminal law provisions, as well as their transformation by adopting new national criminal laws or making changes and amendments to the existing ones; internationalisation of criminal law; improvement of principles, the tendency to clarify the terminology used in the formulation of international legal provisions; the trend to develop international criminal justice, etc.

The need for transformation is primarily conditioned by the consolidation of appropriate structures and particular sanctions for the commission of international crimes and crimes of an international nature in national criminal law.The problem of harmonisation of criminal repression measures has become particularly important.Notably, the international criminal justice constitutes an activity aimed at applying international law, those legal provisions and principles that are fundamental to ensuring peace, protecting the individual and vital interests of the international community from violations of the principles and provisions of international law that are particularly dangerous for human civilisation. Trends in the development of international criminal law indicate the desire of states to cooperate to prevent dangerous crimes, and if they are committed, to punish the perpetrators fairly and inevitably.

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