

This paradox was defined by Ingmar Persson and Julian Savulescu, who formulated it from transhumanist position, i.e., used it to justify the admissibility of a moral bio improving of human by contradiction [3]. However, since its logical core represents philosophical antinomy (1) genetically predetermined *HUMAN NATURE* versus *HUMANITY* formed by culture [5] and (2) a biologically reduced *NEEDS* versus *DESIRES* reduced by culture [7], as well as (3) biological *SEX* versus socio-cultural *GENDER* etc., actually, this paradox is not solvable in a logic way.

With the birth of biomedical and genetic technologies the «change of the dominant purpose» of adaptive technogenesis from spontaneous transformation of «construction of ecological niche» to «environmental engineering» has occurred [6]. The latter term refers to already rationalistic (purposeful) transformation of reality on the basis of the initial knowledge and the a prediction of the future. Such methodological intention is closer to the traditional paradigm of socio-humanitarian sciences than to the natural ones. Beyond the opposition *spontaneous/rational* [7], or, if you like – antinomy *natural process/intelligent design*, the difference between these two classes of evolutionary phenomena (population and social communities) has no content Hermeneutics of nature from a purely philosophical methodology returns to the natural science of the era of directed evolution in which categories *Truth* and *Misconception* are equal to the opposition of Good and Evil.

In other words, natural philosophy is regaining the status of the backbone of the theory of evolution - in an explicit form, in contrast to the classical attempts of the evolutionary synthesis of XIX-XX centuries (classical and neodarwinists paradigm). It means that bioethics is exactly a modern version of natural philosophy, in which the elements of public and axiological (social-humanitarian) and descriptive-informative discourses merge into the inseparable amalgam not without internal logical contradictions.

#### THE LITERATURE

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### БИОЭТИЧЕСКИЕ ПРОБЛЕМЫ МЕЖДУНАРОДНОГО УГОЛОВНОГО ПРАВА: СОСТОЯНИЕ И ПЕРСПЕКТИВЫ РЕГУЛИРОВАНИЯ

### BIOETHICAL PROBLEMS OF MODERN INTERNATIONAL CRIMINAL LAW: CONDI- TION AND SETTLEMENT PROSPECTS

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Theses present contemporary issues of bioethics, which require the settlement of both the means of international criminal law and the means of national criminal law. Presented their current legal status and perspectives for their legal support. Global bioethical problems that require their international legal support include: conducting experiments on the human genome, including reproductive cloning of humans, creation of chimeras; Large-scale use of nanotechnology. Presented the comparability of such international crimes as genocide and ecocide, from the point of view of bioethics.

Современные актуальные проблемы биоэтики требуют регулирования средствами как международного, так и внутреннего уголовного права. В тезисах представлены настоящее правовое состояние биоэтических

проблем и перспективы их правового регулирования. К глобальным биоэтическим проблемам, требующим международного правового регулирования, отнесены: проведение экспериментов над геномом человека, в том числе проведение репродуктивного клонирования человека, создание химер; широкомасштабное использование нанотехнологий. С точки зрения биоэтики, приводятся аргументы о сопоставимости таких международных преступлений, как геноцид и экоцид.

*Ключевые слова:* биоэтика, уголовное право, международное право, международное уголовное право, безопасность.

*Keywords:* bioethics, Criminal law, International law, International Criminal law, safety.

As you know, international crimes have been accumulated for the time being in the Rome Statute of the International Criminal Court, which began operating since 2002. According to this international instrument, international crimes include: the crime of genocide, crimes against humanity, war crimes, military aggression. International criminal law operates through a system of national (internal) law. That is, on the basis of international treaties ratified by the state, the national criminal law is being supplemented with appropriate norms.

So, for example, in 2001 in Ukraine appeared in the new criminal code of Ukraine section XX - «Crimes against peace, security of mankind and international law and order.» It is thanks to the norms that filled this section that it became possible to impose criminal liability on persons found guilty of committing these crimes. Of course, this is a big step towards the world community in its desire to regulate the international legal order in the sphere of counteracting international crime and the security of mankind.

However, in this place begin a doubt on the subject: if human beings need to be taken care of first of all, or else the emphasis is put on ensuring the safety of the human habitat. Thus, shifting the accent from man as the center of the universe, the king of beasts, the ruler of the cosmos and the oceans - to the ecosystem where man is only a part of it, the same as a tree, a fish, or a beast. With the only difference that is human is essentially a hundred times more dangerous to the environment creature.

So, after analyzing the provisions of the Rome Statute, the Criminal Codes of Ukraine and the Republic of Belarus, we had the following conclusions. In the criminal codes of the countries there are, the responsibility for the crime of genocide is much higher than for ecocide (mass destruction of flora and fauna, poisoning of the atmosphere or water resources, other actions that could lead to an ecological catastrophe). Such an approach contradicts bioethical principles, the concept of ecocentrism, which is the fundamental paradigm of bioethics. Imagine a situation where the genocide was committed. Of course, this is the greatest crime. However, are the consequences of this crime threatening the existence of the Earth's ecosystem? - I think no. And now imagine the consequences for the ecosystem of the Earth, in the case of ecocide. I think that one of the potential consequences may be genocide (by creating conditions in which a certain group of people cannot live). Thus, at a minimum, these two crimes are equal in terms of their social danger, if not more - the bowl of my scales is leaning towards a greater public danger of ecocide. Therefore, the criminal responsibility for committing these crimes must be initially equal.

Further in the two criminal codes (Ukraine and Belarus) there is a crime against the security of humanity - «The use of weapons of mass destruction.» It seems that its interpretation can be uniquely and should be expanded and applied to the use of weapons containing nanoparticles. The harm of nanoparticles, for some reason, is only spoken at scientific conferences. However, the harm from using this dangerous knowledge can be much greater than the benefit. The absence of a legal solution to this bioethical problem, both in the national law and at the international level, is frightening.

And one more actual international problem that directly concerns the security of human existence is the legal settlement of the ban on experiments on the human genome, including human reproductive cloning, the creation of chimeras. Such crimes should be included in the national criminal codes in the section on Crimes against the safety of mankind. They must also be supplemented by the Rome Statute. Today, crimes against the human genome are mainly in the section against life and health (CC of France, CC Slovakia). However, this is not entirely true. In consequence of the commission of such acts, the whole human race, as a biological species, is at risk of extinction or genetic modification (mutation). That is why, until other data are obtained that allow us to speak about ensuring the safety of the existence of the human species, such experiments should be attributed to crimes against the safety of mankind.