

«VERTICAL» CLASSIFICATION OF OBJECTS OF A CRIMINAL OFFENSE AND ITS CRIMINAL LAW SIGNIFICANCE

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Introduction. The object of the criminal offence is a mandatory element of every crime. To analyse the composition of the crime, it is necessary to turn to scientific classification of objects of crime, as it allows to more fully clarify their essence.

Objectives. To analyse the issue of defining the object of a criminal offense. To determine the types of objects of the criminal offense in «vertical» classification and their meaning.

Methods. In scientific work we used theoretical research methods such as comparative analysis, synthesis and generalization.

The science of criminal law has developed several concepts of the object of a criminal offense. To date, the most well-known concepts of the object of a crime are those based on: social relations; certain social values; relevant benefits; individual interests; relevant legal relations; individual subjective rights; individual rules of law, etc. The most widespread opinion is that the object of crime are social relations, protected by the Criminal Code of Ukraine, which the crime encroaches on, causing them some damage or creating a threat of causing such damage. [2]

In the theory of criminal law, there are two ways to classify the object of a criminal offense: "vertical" and "horizontal". According to vertical classification, the object of a crime is divided into three main categories: general, generic and direct.

The general object of a crime is the totality of all social relations protected by the Criminal Code of Ukraine from criminal encroachments. It is believed that the list of objects of criminal legal protection provided in Article 1 of the Criminal Code constitutes the general object of the crime. The content of Article 1 provides a generalized list of objects that are encroached upon by a socially dangerous act: human and citizen rights, freedoms, property, public order, public safety, the environment, the constitutional system of Ukraine, peace and security of mankind. The concept of the general object of the crime allows to correctly reveal the socio-political essence and content of the criminal law, makes it possible to reveal the real socially dangerous nature of the actions defined criminal. Moreover, it helps, in some cases, to develop a clear criterion for distinguishing crimes from other offenses.

A generic object is a set of social relations that are homogeneous or identical in their socio-economic nature and protected by a single set of criminal law

provisions. The importance of the generic object is that it allows to make a classification of all criminal law provisions and, accordingly, crimes that violate them. All criminal law provisions in the Special Part of the Criminal Code of Ukraine are grouped into certain separate institutions, systematized by the characteristics of the generic object. Indication of the generic object of crimes is most often contained in the title of the section of the Special Part of the Criminal Code. For example, section VII is entitled "Crimes in the field of economic activity". The generic object of these crimes are public relations in the field of economic activity, which they encroach upon by causing damage or creating a threat of damage. It should also be noted that the establishment of a generic object has also a fundamental importance for law enforcement practice, because it helps to properly qualify the crime.

The direct object of a crime are the social relations encroached upon by a particular crime and to which it causes harm or threatens to cause harm. For example, the direct object of murder is social relation to ensure the life of a particular person, in the case of theft of property - social relations of ownership. It is worth noting that the direct object is a mandatory feature of any crime. Establishing the immediate object of the crime is important for clarification of the nature and degree of social danger of the committed crime, his correct qualification, makes it possible to carry out as accurately as possible distinguishing between related crimes.

In turn, the direct object of a criminal offense can be divided into certain types - the main and additional direct objects. This division occurs when the same crime causes damage to several types of social relations.

The main direct object is social relations, the encroachment on which constitutes the social essence of the crime and for the protection of which the legislator has created the relevant criminal law provision. Due to the main direct object, we can determine the place of crime in the system of the Special Part of the Criminal Code of Ukraine.

An additional direct object is a social relationship to which harm is inflicted or in respect of which there is a threat of harm along with the main object. Additional direct object is divided into additional mandatory and additional optional objects of a criminal offense.

An additional mandatory object of the crime are social relations, which are always encroached upon by a particular crime, causing them harm or creating a threat of harm along with the main direct object, and which in other cases may be an independent main direct object of the crime. For example, as part of robbery (Art.187 of Criminal Code), the main direct object are social relations of property, and an additional mandatory object - social relations in the sphere of life or health of a person.

An additional optional object of the crime are social relations, which are not always encroached upon by a crime, causing them harm or creating a threat of

harm along with the main direct object, and which in other cases may be independent the main direct object of the crime. [1]

Conclusion. Vertical classification of objects of a crime has great theoretical and practical significance. It helps to better understand the essence of the object of the criminal offense, to distinguish the crime from another offense, to determine the degree of public danger of the crime and correctly qualify the relevant crime.

References:

1. Васильєв А. А., Гладкова Є. О., Житний О. О. та ін. Кримінальне право України. Загальна частина: підручник / за заг. ред. проф. О. М. Литвинова; МВС України, Харків. нац. ун-т внутр. справ. Харків, 2020. 428 с.

2. Тацій В. Я., Пономаренко Ю. А. Об'єкт кримінального правопорушення. Вісник Асоціації кримінального права України, 2022, № 2(18). С. 207 – 210.

APPOINTMENT OF PUNISHMENT FOR COMPLEX CRIMINAL OFFENSES: LEGAL REGULATION AND FEATURES OF IMPLEMENTATION IN COURT PRACTICE

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Introduction. When imposing a punishment based on a set of sentences, the court is dealing with a special case that proves the increased public danger of the guilty person. Therefore, in the Criminal Code of Ukraine, this provision is highlighted in separate Articles 70 and 71 of Chapter 11, which provides for the application of stricter measures of influence on a person found guilty of a criminal offense (crime) and somewhat more complex requirements for imposing a punishment on him.

Objectives. The main task is to study the practice of the Supreme Court of Ukraine and the practice of the rest of the courts of Ukraine and foreign countries.

Methods. The main methods used in the study are description, analysis, abstraction, and generalization.

If the actions of a person involve repetition of identical criminal offenses, of which one or more offenses were committed before the adoption of the previous sentence, and the other(s) – after its adoption, then the special rules of Part 4 of Art. 70 of the Criminal Code could not be applied. In such case, the court qualifies criminal offenses under one article or part of an article of the Special Part of the Criminal Code, assigns the punishment provided by its sanction and determines the final punishment according to the rules of Art. 71 of the Criminal Code according to the totality of sentences.