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THE OBJECT OF THE CRIME, PROVIDED BY ART. 384 OF THE CRIMINAL CODE OF UKRAINE

In the science of criminal law, there are many approaches to understanding the object of the crime. It should be noted that V.K. Gryshchuk divides the scientific concepts of the object of the crime on: historical and modern. To the most common historical concepts of the object of crime in the theory of criminal law, the scientist considers the following: 1) the object of the crime – the legal right (V. D. Spasovych); 2) the object of the crime – protected interest (F. Iyering, F. List, B. S.Nikiforov); 3) the object of the crime – benefits and interests, protected by law (legal benefits) (A. N. Kruhlevskiy, H. V. Kolokolov, Ye. Ya. Nymyrovskiy); 4) the object of the crime – the safety and well-being of citizens (O. F. Kistiakivskiy); 5) the object of the crime is: a) legal norms and specific benefits and interests (M. D. Serhiyevskiy); 6) the mediating object is a violation of the order, the norm, and the direct object is a social relation that is a real manifestation of this instruction (I. Ya. Foynitskiy); b) from the formality there are benefits and interests protected by this norm (L. S. Bilohryts–Kotliarevskiy); r) rules of law in it real life (M. S.Tahantsev); 6) the object of the crime – individuals or groups of persons (P. D. Kalmykov); 7) the object of crime is a criminal law protected by social relations (A. A. Piontkovskiy, Ye. A. Frolov) [1, p. 159-164].

Among the most common modern concepts of the object of the crime in the theory of criminal law, V.K. Gryshchuk highlights the following: 1) the object of the crime – protected by the criminal law social relations (V. Ya. Tatsiy, M. Y. Korzhanskiy, M. I. Bazhanov, A.V. Savchenko, B. O. Kyrys, V. O. Navrotskyi, N. O. Hutorova Yu. L. Shevtsov and others); 2) the object of the crime is the social benefits (values) protected by the criminal law (P. S. Matyshevskiy, Ye. V. Fesenko, S. B. Havrysh); 3) the object of a crime is a person irrespective of mental development, social status, etc. (H. P. Novosyolov); 4) the object of the crime – individuals or many individuals (I. Ya. Kozachenko, Z.A. Neznamova); 5) the object of the crime – protected by the criminal law socially significant values, interests, benefits (A. V. Pashkovska, A. V.Naumov); 6) the object of a crime is social relations, which are established in accordance with the requirements of legal norms, as well as social welfare (H.V.Chebotareva); 7) the object of the crime is imaginary – the social shell is always the first object, and all other objects are in the middle of this shell (V. M. Trubnikov); 8) the object of a crime is the order of social relations protected by the criminal law (O. M. Kostenko, P.P. Andrushko, A. V. Landina); 9) the object of the crime – especially valuable social relations, which are protected by the criminal law [1, p.166]. This approach has become widespread in the theory of criminal law and its supporters: V.N. Hryshchuk [1, p. 166], Ya. M. Braynin [2, p. 70], V.M.Kudriavtsev [3, p.130], A. A.Muzyka [4, p. 25], L. V.Levytska, T. O.Mudrak, V.Sirenko, P. V.Tsymba [5, p.18], V. V.Kuznietsov and O.F.Shtanko [6, p. 79], V.K. Matviychuk [7, p. 157-58].

In addition to the above-mentioned modern concepts of the object, there are some others. Thus, S. Ya. Lykhova maintains and develops the concept where the object of the crime is the legal relationship [8, p. 79]. Instead, V.P. Yemelianov calls the object of the crime the criminal laws protected by specific spheres of life of people who act as direct objects of crimes as real phenomena of reality [9, p. 214-215].

In legal literature, there is another periodization of the development of the concept of the object of the crime. However, the study of the object of the crime in general, is not the subject of this study, so without going into details of the analysis of each of the above concepts of the object of the crime, based on the periodization, join the researchers, who considers the object of the crime is precisely from the standpoint of the theory of social relations. The representatives of this theory are, in particular, V. Ya. Tatsiy, V. K. Hryshchuk, V. K. Matviychuk, A. A. Muzyka, M. Y. Korzhanskiy, V. O. Navrotskyi and others.

Using the three-tier classification of objects of crimes, which I adhere to, I proceed to determine the place of the norm, that is investigated (Article 384 of the Criminal Code), in the system of the Special part of the Criminal Code of Ukraine, its significance, the exact qualification of the indicated acts. This is all possible if it turns out to be the most appropriate to establish the generic and direct objects of the syllables of crimes provided for in Art. 384 of the Criminal Code. This classification is based on the ratio of philosophical categories: general, special, and separate and accordingly includes three levels: general, generic, direct object [10, p. 56-57; 11, p. 81-82; 12, p. 60-62; 13, p. 124-125]. Such a three-part classification of crime objects is supported by an overwhelming majority of scholars. In accordance with this classification, from the position of adherents of the concept of the object of the crime – social relations, which are put under the protection of the criminal law: the general object – the whole set of social relations, put under the protection of the criminal law; Generic – a group of social relations, identical or homogeneous in essence; direct – concrete social relations, which are protected by a criminal law norm.

Regarding the generic object of crimes relating to justice in the system, which are located and the investigated relations encroached upon by the acts provided for in Art. 384 of the Criminal Code, there are such statements, they have a relationship: 1) that provide: a) the normal activity of the inquiry, investigation and prosecutor's offices in the field of criminal justice; b) the normal activity of the court for the administration of justice in criminal and civil cases; c) the normal activity of the bodies that carry out the execution of decisions and sentences and penalties imposed on them [14, p. 309]; 2) that the personal and social values connected with the interests of justice are protected by the separate articles of sections 2 and 8 of the Constitution, as well as by the separate articles of the Criminal Code, the Criminal-Procedural Codes of Ukraine [15, p. 591]; 3) that are related to the regulated legislation and other normative acts of the activity in the administration of justice bodies of inquiry, preliminary investigation, prosecutor's office, the court, as well as institutions that execute the verdict, decision, resolution and [16, p. 454]; 4) that ensure the normal operation of the court and prosecutor's office, inquiry, preliminary investigation, as well as bodies that execute court decisions (in the broad sense of the word, including sentences and other legal acts) for the realization of the goals and objectives of justice [17, p. 442]; 5) that ensure the normal functioning of the bodies of inquiry, pre-trial investigation,

prosecutor's office, court, as well as institutions that execute verdicts, decisions, resolutions and decrees [18, p. 580]; 6) on the implementation of state power [19, p. 22]; 7) providing the interests of justice and the interests of the person [20, p. 20]; 8) from the administration of justice in accordance with the procedure, goals and objectives established in the law [21, p. 90]; 9) providing the normal functioning of the judicial bodies [22, p. 17]; 10) they have the interests of socialist justice, which covers both the interests of direct deportation of justice by the court, as well as the activities of bodies that facilitate the implementation of the tasks of justice [23, p. 5]; 11) on the proper functioning of the court for the realization of the goals and objectives of justice and the bodies that contribute to it [24, p. 7]; 12) on the proper functioning of the court for the realization of the goals and objectives of justice and the bodies that contribute to it [25, p. 18]; 13) on the activities of the court in solving problems and achieving the objectives of justice, as well as the proper functioning of the bodies assisting in this court (i.e., bodies of inquiry, preliminary investigation and enforcement bodies, enforcement of judgments in civil cases and criminal proceedings) [26, p. 90–91]; 14) the proper law-based activity of the court, the prosecutor's office and the bodies of pre-trial investigation, as well as the activity of correctional labor institutions [27, p. 324]; 15) from the normal activity of the judicial bodies (while under the administration of justice, the law implies not only the court – but also the bodies that provide for the court the possibility of an objective and comprehensive solution to cases conducive to the administration of justice [28, p. 399]; 16) related to the implementation of the regulated by law by the courts, the provision of this activity by the inquiry, pre-trial investigation, prosecutor's office, advocates and representatives of the person, as well as institutions executing court decisions; 17) connected with the normal functioning not only of the judiciary but also of other bodies and individuals that promote the activity of the court in the administration of justice and to which the bodies of inquiry, pre-trial investigation, prosecutor's office, bodies of execution of court decisions, sentences, decrees and resolutions, representatives of the lawyers etc. belong; 18) from the normal, built on strict compliance with the law of the judicial bodies.

Thus, proceeding from the above, the title of the section is narrower than the content of section XVIII of the Criminal Code. Therefore, under the generic object of the crimes envisaged by this section, it is necessary to understand the social relations regarding the conditions (relations) that ensure the activity regulated by the legislation and other normative-legal acts: courts for the administration of justice; bodies of inquiry, pre-trial investigation, prosecutor's office; institutions executing judgments; persons providing for a court, inquiry, pre-trial investigation complete, comprehensive and objective resolution of cases, protection of the legal rights and interests of citizens, society, state in the process of legal proceedings, inquiry, pre-trial investigation and enforcement of judgments, protection and representation of a person. Such a definition of the generic object of crimes against justice, including the analysis of the crime, is determined by the current legislation, which established the limits of the criminal liability for the relations I am investigating.

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