
Shmeretsky E. – *Researcher of the Department of Legal Psychology of the National Academy of Internal Affairs, Kyiv, Ukraine*

Historical Background for the Formation of Responsibility for Sexual Violence

The article is devoted to the coverage of historical preconditions for the formation of responsibility for sexual violence. The analysis allowed to allocate five periods of the formation of domestic criminal law: the criminal law of the Russian Truth (XI–XV centuries), the criminal law of the Moscow State (XV–XVII centuries), the criminal law of the Russian Empire (XVIII – beginning of XX century) criminal law of the Soviet government (from October 1917 to December 1993), criminal law of Ukraine. Each of these periods reflects events and dates in the epicenter of which our state was formed and developed.

In general, during the past centuries, the evolution of criminal norms took place in several directions: first, the very concept of «rape» was formulated and specified; and secondly, with the change in the socio-legal status of women in society there was

circle of subjects and victims of this crime; thirdly, the differentiation of the responsibility of criminals depending on the physical (age) and mental (helplessness, etc.) the state of the crime victim, the nature of violence, the severity of the consequences and other circumstances; fourthly, the legislator has repeatedly attempted to increase the criminal liability for rape (in particular, it concerns the Soviet period in the history of our country).

The Criminal Code of Ukraine in 2004 differentiated criminal liability for violent sex offenses depending on the category of minors. The emergence of such a composition, as violent acts of a sexual nature, has become a logical consequence of the development of criminal legislation on liability for sexual crimes. This corresponds to the needs of practice and the views of not only criminal science, but also the medical-biological branches of knowledge. Despite some of the «flaws» in the criminal legal regulation of liability for the crimes in question, it must be admitted that the legislator's approach to the current CC is an unconditional step forward in the development of the criminal legislation of Ukraine in terms of ensuring the protection of sexual freedom and sexual integrity of minors.

Attempts by scholars to explain the nature of sexual violence and rape in the mid 70's of the twentieth century took shape as three main theoretical versions: feminist, the theory of social learning and evolutionary. Within these three approaches, a large number of studies have been carried out, analyzing both «cruel» rape and situations of sexual abuse of friends and family violence.

Keywords: violence, sexual violence, historical background, criminal law, responsibility.