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ILLEGAL DOCUMENTS ACTION IN CRIMINAL LAW OF UKRAINE

In today's society, realization of rights and legitimate interests is complicated, and sometimes it becomes impossible without proper documentary evidence of legal important facts and relations. In this regard, Art. 357 abduction, appropriation, extortion of documents, stamps, seals, seizure by fraud or abuse of office or their damage and art. 358 forgery of documents, seals, stamps and forms, sale or use of forged documents, seals, stamps should be considered as an important legislative guarantee of the implementation and protection of the rights and legitimate interests of citizens and legal entities.

The object of these crimes is the law on the procedure for the conduct, circulation and use of official and certain private documents, which ensures the normal activities of enterprises, institutions and organizations irrespective of the form of ownership, as well as the rights and legitimate interests of citizens, the procedure for documenting the facts that have legal value,

The subject of the crime is 357 articles:

- 1) official documents, stamps, seals;
- 2) private documents, which are located at enterprises, institutions or organizations, regardless of the form of ownership;
- 3) a passport or other important personal document.

The subject of the crime is 358 articles:

- 1) a certificate or other official document;
- 2) the seal, stamp or form of the enterprise, institution or organization;
- 3) other official seal, stamp or blank.

The official document is documents containing information recorded on any physical medium, confirming or certifying certain events, phenomena or facts that have caused or are likely to have legal effects, or can be used as evidence documents.

Private documents are those documents that originate from private individuals and certify by their content facts of legal significance.

Stamps is special forms of clichés, which contain relief or deepened mirror images of texts, drawings, and other labels, and which are intended to receive prints on paper and other materials.

Blank is a piece of paper with a stamp on it or another document with a partly typed printed or other text, which, for the final drawing up of the document, requires further completion of the requisites.

The passport of a citizen of Ukraine is a document that certifies the identity of the holder and confirms the citizenship of Ukraine.

Other important personal documents should include a certificate, a military ticket, a work record, a graduation certificate on higher education, a birth certificate, a travel document for a child, a taxpayer card, other official or private documents that certify important facts and events in human life and the loss of which greatly complicates the realization of its rights, freedoms and legitimate interests.

Personal documents of a person should be recognized official documents that certify those events and facts relating directly to the person.

The objective side of the crime, stipulated in Part 1 of Art. 357, is expressed in such alternative actions regarding the relevant documents, stamps, seals:

1) abduction - seizure of documents, stamps or seals from the official circulation of enterprises, institutions, organizations and their seizure by theft, robbery or robbery;

2) extortion - the requirement for the transfer of someone else's property or the right to property or the commission of any acts of property with the threat of violence against the victim or his close relatives, restriction of the rights, freedoms or legitimate interests of these persons,

3) appropriation - the unlawful and graceful seizure (maintenance, non-return) of the guilty of someone else's property, which was in its lawful possession, with the intention to further turn it into its own benefit;

4) destruction - is the action that causes the documents, stamps and seals to cease to exist physically; They are brought to a

state that completely and permanently excludes their use for their intended purpose

5) taking possession by fraud - taking possession of someone else's property or acquiring the right to property by fraud or abuse of trust;

6) damage means damage to the material basis of a document, a stamp or seal, when their use, for the purpose intended without restoration measures, becomes substantially complicated or becomes completely impossible;

7) concealment - it is not associated with the abduction of secret acts for the movement of documents, stamps, the beginning of the places of their proper storage, resulting in the enterprise, institution, organization or citizen being deprived of the opportunity to use these objects for their intended purpose.

The objective side of Article 358 is:

1) forgery of an official document - the complete fabrication of a rigged document, and partial falsification of the contents of this document;

2) the manufacture of counterfeit stamps, stamps or blankets - means the complete fabrication of rigged forms and forms, as well as making changes to real stamps, seals or forms that distort their proper content;

3) sales of a fake official document - to be understood as any paid or free alienation of these items and their launch in circulation, carried out by a person who is aware of their nature;

4) the sale of counterfeit stamps, seals, forms - shall mean any payment or free disposal of these items and their launch in circulation, carried out by a person who is aware of their nature;

5) the use of a deliberately fake document (Part 4 of Article 358) - may be committed in one of two ways:

a) submission of a document - a certain circle of people is familiar with the content of the fake document. But the fake does not remain in the guilty party, but is transmitted to the authorized persons for the certification of certain facts;

б) presentation of a document - a subject, giving out a fake for a genuine document, acquaints with the content of other persons

The subject of the crime of Art. 357 general, however, the subject of possession of documents, stamps, seals by misuse of official position can only be a serviceman provided for in Part 4 of Art. 358

The main delimiting feature of the crimes provided for in parts 1 and 2 of Art. 358, committed in the form of forgery, manufacturing and marketing of certain objects, is the subject.

The subject of a crime provided for in Part 2 of Art. 358, is a special one: it is an employee of a legal entity of any form of ownership that is not an official; private entrepreneur; auditor; expert; appraiser; lawyer; notary; state registrar; the subject of state registration of rights; a person authorized to perform state functions regarding the registration of legal entities, individuals - entrepreneurs and public formations; state executor; private performer; another person who carries out professional activities related to the provision of public or administrative services

The subjective side of the crime is characterized by direct intent. Obligatory feature of the subjective part of the crime, stipulated in Part 1 of Art. 357, there is a motive - selfish or other personal interests are the purpose of their sale.

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