UDC 343.52
DOI https://doi.org/10.32849/2663-5313/2024.1.08

Oleksandr Melnyk,
Prosecutor at the Prosecutor's General Office of Ukraine, Postgraduate Student at the Department of Criminal Law, National Academy of Internal Affairs, 1 Solomianska Square, Kyiv, Ukraine, zip code 03035, melnyk.oleksandr.1990@ukr.net
ORCID: *orcid.org/0009-0009-8778-1623*

Melnyk, Oleksandr (2024). Individual problems of competition between forgery in office and other elements of criminal and administrative offenses. *Entrepreneurship, Economy and Law*, 1, 50–56, doi

INDIVIDUAL PROBLEMS OF COMPETITION BETWEEN FORGERY IN OFFICE AND OTHER ELEMENTS OF CRIMINAL AND ADMINISTRATIVE OFFENSES

Abstract. The publication was prepared **in order to** highlight the concerns related to the competition of forgery in office with the elements of other criminal and administrative offenses. By relying on the cases of criminal law competition of forgery in office with specific offenses, the author proves that the causes of ensuing problematic issues are the absence of a common terminological (conceptual) framework used in lawmaking and the legislator's disregard (or ignorance) of the existing criminal law regulation in the relevant area when establishing criminal liability for certain criminal offenses, the subject matter of which are documents. Following the analysis, the author shares original findings about settling the identified issues that may become the subject of scientific discussion. The publication is based on general scientific and specific **methods** of scientific knowledge, mainly the following ones: analysis (when comparing criminal and administrative offenses with forgery in office – the elements of each of such offenses were studied separately); synthesis (used in the determination and analysis of common elements of forgery in office with criminal and administrative offenses); comparative method (necessary to identify common and distinctive features of criminal and administrative offenses). For the first time, the publication comprehensively covers the problematic issues of competition of forgery in office with other elements of criminal and administrative offenses, systematizes approaches to their settling, and outlines areas for improving the law on criminal liability, in particular, for committing forgery in office. According to the **research findings**, **conclusions** are formulated: alternative forms of action, which constitute the objective aspect of forgery in office, can neutralize the presence of special (regarding forgery in office) norms, causing the need to qualify the committed as a set of criminal offenses; not only the type and amount of punishment but also the presence of criminal liability for forging may depend on the kind of official document that is the subject of forgery in office.

Key words: forgery in office, components of criminal offense, competition, qualification.

1. Introduction

In law enforcement activities, the presence in the components of criminal offenses of similar signs of the actus reus of forgery in office poses a question to the subject of law enforcement of which provision of the law on criminal liability to apply. Moreover, the legislator enshrines administrative liability for forging certain documents that expands the above problem in law enforcement. In this context, the conclusion of Navrotskyi V.O. is quite apt: numerous errors made during criminal law qualification are due to the incorrect settlement of the issues of crimes' division – the misunderstanding of the difference between individual criminal offenses, the inability to justify this difference in procedural documents, and thereby explain the reasons for qualification change (Navrotskyi, 2009, 213).

It is possible to solve these problems in law enforcement primarily after analyzing and comparing objective and subjective signs of specific actus reus of criminal offenses (sometimes of administrative offenses). The outcomes of such comparison further contribute to establishing the correlation between the compared elements of criminal offenses and deciding which legal norm to apply. As a rule, when studying problems of the correlation between components of criminal offenses in the science of crim-

inal law, it concerns the competition of criminal law norms and the correlation of related components of criminal offenses. As for the distinction between these two concepts, when examining actus reus for bringing a knowingly innocent person to criminal liability, Skrypnyk K.Yu. cites related and competing elements of criminal offenses provided for in Arts. 364, 365, 372 of the Criminal Code (Skrypnyk, 2022, p. 208) without focusing on the discrepancy in these concepts. Other scholars argue for differences in competition and related criminal offenses. Thus, according to Marin O.K., the competition of criminal law norms should be understood as the presence in criminal law of at least two norms aimed at resolving one issue, or an atypical situation in law enforcement, e.g., two (or more) functionally related criminal law norms in effect may be applied in the criminal law assessment of one socially dangerous act (Marin, 2001, p. 52). In turn, L.P. Brych holds that related components of criminal offenses are ones that form a pair (group), each of which has signs that fully or partially coincide in content with the features of other corpus delicti that is part of the pair (group) (in addition to the common object, causal relationship, common features of the subject of a criminal offense's components, and guilt) and, at the same time, each of which contains at least one feature that differs in content with the corresponding features of other elements of the pair (group), which mutually exclude each other's presence in the components of crimes they are inherent to (Brych, 2013, p. 224).

The science of criminal law considers the competition of general and special norms, whole and part, and competition of special norms, the most common types of competition of criminal law norms.

In solving certain problems of competition of forgery in office, it is important for us, first of all, to justify the solution of each problematic issue, and not to try to deepen the scientific discussion on the differences in the ratio of criminal law norms. It should be noted that for such justification, we rely on the current Criminal Code of Ukraine (hereinafter referred to as CC) (in particular, Section VII of the General Part of CC, which regulates the plurality of criminal offenses), legal opinions of the Supreme Court, and resolutions of the Plenum of the Supreme Court of Ukraine (hereinafter referred to as RPSCU) (for example, sub-paras. 10 – 12 of para. 10 of RPSCU dated 04.06.2010 No. 7 "On the practice of applying by courts of criminal law on the repetition, aggregation and recurrence of crimes and their legal consequences"; para. 12 of RPSCU dated 07.02.2003 No. 2 "On judicial practice in cases of crimes against life and health").

2. Competition between the elements of criminal offenses provided for in p. 1 of Art. 358 and p. 1 of Art. 366 of CC

It is conventional for the science of criminal law to settle the competition of the elements of criminal offenses provided for in p. 1 of Art. 358 of CC and p. 1 of Art. 366 of CC through the competition rules of general (p. 1 of Art. 358 of CC) and special (p. 1 of Art. 366 of CC) norms (Andrushko, Honcharenko, Fesenko, 2008; Tatsii, Pshonka, Borysov, 2013; Pietkov, Zhuravlov, Drozd, 2024).

At the same time, we believe that comparing all mandatory signs of the main composition of forgery in office with forgery committed by a common subject (p. 1 of Art. 358 of CC) does not lead to the above unconditional conclusion given the following: 1) the subject of forgery in office is an official document, while the subject of forgery per se is: a) a certificate, another official document; b) seals, stamps, letterheads of enterprises, institutions or organizations, regardless of the form of ownership; c) other official seals, stamps, letterheads; 2) singled out part of the subject of a criminal offense under p. 1 of Art. 358 of CC, namely, an official document, we can see that, unlike p. 1 of Art. 366 of CC in which an official document has the features specified in the note to Art. 358 of CC, in the first case, the concept of an official document is additionally endowed with the following characteristics: a) issued or certified by an enterprise, institution, organization, individual entrepreneur, notary, state registrar, entity of the state registration of rights, a person authorized to perform state functions for registration of legal entities, individual entrepreneurs and public formations, a state executor, a private executor, an auditor, or another person who is entitled to issue or certify such documents; b) grants rights or releases from obligations; 3) the objective aspect of forgery in office consists in committing one of four forms of alternative actions: drawing up a knowingly false official document, issuing a knowingly false official document, entering into an official document knowingly false information, other forgery of an official document. And the disposition of p. 1 of Art. 358 of CC provides for the commission of the following alternative forms of actions: forgery of an official document, sale of such a document, production of forged seals, stamps or forms, their sale; 4) singled out part of the objective aspect of a criminal offense under p. 1 of Art. 358 of CC, namely the forgery of an official document, the question arises of the ratio of the act's scope in this provision and in p. 1 of Art. 366 of CC; 5) the subjective aspect of the forgery composition is characterized by mandatory elements of guilt (in the form

of direct intent) and purpose (use of an official document by a forger or another person) compared to forgery in office which does not provide for a purpose (both in general and in the specified expression) as a mandatory element of a criminal offense.

Thus, as for the comparison of the subject of criminal offenses provided for in p. 1 of Art. 366 of CC and p. 1 of Art. 358 CC: 1) in the second case, the subject is wider in scope and its part, which is not covered by an official document, does not enshrines a special provision if an official commits the relevant act; 2) the disposition of p. 1 of Art. 358 of CC characterizes an official document through unjustifiably different terminology when formulating the features of an official document, which in some cases could be regarded as identical (for example, when formulating the document's source in p. 1 of Art. 358 of CC, the set of subjects differs from that specified in the note to the same article: in p. 1 of Art. 358 of CC, the word "person" is used, and "citizen" – in the note etc.), in others – could not (in particular, in p. 1 of Art. 358 of CC, an official document is characterized by "issuance or certification", and forgery in office – by "drawing up, issuance or certification", as indicated in the note to Art. 358 of CC; according to p. 1 of Art. 358 of CC, an official document grants rights or releases from obligations, while in the elements of forgery in office it confirms or certifies certain events, phenomena or facts that have caused or are capable of causing legal consequences, or creates the possibility of being used as evidence in law enforcement activities).

As a result, comparing the elements of criminal offenses provided for in p. 1 of Art. 358 of CC and p. 1 of Art. 366 of CC indicates a conditional nature of considering their interrelation as a general and special norm. Conditions concern the differences in the subject (its type and features), the objective aspect (namely, the forms of action) and the subjective aspect (namely, the purpose) of these criminal offenses, and not only the subject of these criminal offenses (general in p. 1 of Art. 358 of CC and special (pts. 3, 4 of Art. 18 of CC) and in p. 1 of Art. 366 of CC).

The above proves at least the erroneousness of the generally accepted correlation of the mentioned articles of the law on criminal liability as general and special norms, and as a maximum – the harmfulness (for rulemaking and law enforcement) of using different words (terms) and different meanings of the same words in the formulation of criminal law norms in similar situations.

3. Competition of forgery in office with other related norms

Analysis of the elements of criminal offenses under p. 2 of Art. 372 and p. 1 of Art. 409 of CC confirms that their objective aspect fully covers any form of actions constituting forgery in office, and the subject is an official. In particular, Opanasenko V.I. holds that forgery of documents is fully covered by p. 2 of Art. 372 of CC and does not require additional qualifications under Art. 366 of CC (Opanasenko, 2019, p. 131). We fully agree with the above statement, since the ratio has the nature of "whole-part": forgery in office is a "part", i.e., it is fully covered by the elements of another criminal offense, which determines independence in such cases from a separate qualification of the offense committed as forgery in office. The objective aspect of forgery in office is "absorbed" by the corpus delicti of the above criminal offenses because the legislator uses such wording as "artificial creation of evidence" (also used in p. 2 of Art. 383 of CC), "falsification", which denote the broader concepts which embrace the commission of any form of official forgery. Similarly, action denoted in p. 1 of Art. 409 of CC by the term "forgery" implies any form of actions listed in p. 1 of Art. 366 of CC. Consequently, it is quite obvious that there is no additional need to qualify actions as forgery in office.

4. Correlation of forgery in office with other special criminal law norms

The current Criminal Code contains a set of actus reus of criminal offenses toward which forgery in office can act as a general rule, thereby creating competition between general and special rules. At the same time, the corresponding competition can be called competition between special rules, if the rule provided for in p. 1 of Art. 358 of CC is considered general in all cases under study.

Thus, such a type of competition includes the correlation of forgery in office with 1) the main elements of criminal offenses with a special subject (incl. officials from among those specified in pts. 3, 4 of Art. 18 of CC), the objective aspect of which enshrines the commission of one or more forms of action, which is an element of forgery in office towards a limited number of official documents (p. 3 of Art. 220-1, p.1 of Art. 223-1, p. 2 of Art. 358, pts. 1, 2 of Art. 366-2 of CC); 2) qualified elements of criminal offenses, the objective aspect of which enshrines the commission of one or more forms of action that is an element of forgery in office, involving the qualifying feature "commission by an official using his/her official position" (p. 4 of Art. 158-3, p. 2 of Art. 205-1).

In the mentioned criminal offenses, the objective side involves "entering" inaccurate information (data) into an official document, with the exception of p. 4 of Art. 158-3 of CC, which includes forgery among other things. Consequently, the vast majority of special

criminal law rules are special only toward one of the four possible forms of actions, the commission of which means official forgery.

The above implies the first problem of the relevant type of competition: the commission of any other form of official forgery than that specified by a special norm – even if the subject and other signs of criminal offense fully comply with the special norm – requires additional (individual) qualification of action as forgery in office. For instance, if an official commits forgery (as indicated, for example, in the title of Art. 205-1 of CC) defined by the above norms of CC of an official document in any other form than "entering" (for example, "issuing" or "certifying" an official document), there are no grounds for qualifying actions under a special rule (that is, actions shall be qualified under the relevant part of Art. 366 of CC), which obviously does not meet the objective for which special rules established criminal liability.

In addition, the main elements of criminal offenses concerned specify the subject of official forgery in the form of entering knowingly false information from among those specified by special legislation (for example, the Law of Ukraine "On Capital Markets and Organized Commodity Markets", the Regulation on the Procedure for the Issue of Shares, Registration and Cancellation of Registration of Share Issuance, approved by the decision of the National Securities and Stock Market Commission dated November 22, 2023, No. 1308, and others), belonging to officials and official documents, respectively. This, in turn, necessitates not only the determination of each special violator of criminal offenses and their subject but also the need for their verification by the criteria specified in pts. 3, 4 of Art. 18 of CC and the note to Art. 358 of CC, respectively.

Special attention should be paid to the correlation of forgery in office with a criminal offense under p. 1 of Art. 223-1 of CC. For example, Volynets R.A. highlights that at the stage of submitting documents to the specific body, they contain knowingly false information and such actions may be qualified as a completed attempt to commit a crime under Art. 223-1 of CC; such that come within a crime under p. 1 of Art. 366 of CC; a violation of the procedure for issuing securities (p. 1 of Art. 163 of the Code of Ukraine on Administrative Offenses (hereinafter referred to CUAO). The scientist believes that such actions should be qualified under p. 1 of Art. 366 of CC but does not provide any arguments (Volynets, 2018, p. 191). However, the issues under consideration are somewhat broader and are related to options for criminal law qualification in the case if the amount of damage does not reach the amount specified in p. 1 of Art. 223-1 of CC; it is caused to another person than determined by this norm, or the amount of damage reaches serious consequences (p. 2 of Art. 366 of CC). In our opinion, competition is settled in the following way: 1) if pecuniary damage is lower than specified in p. 1 of Art. 223-1 of CC, there is no criminal liability for entering knowingly false information by an authorized person in the documents submitted for registration of the securities issue; 2) if pecuniary damage is caused not to the securities investor but to another person, regardless of its extent, there is no criminal liability for entering knowingly false information by an authorized person in the documents submitted for registration of the securities issue. Such conclusions should be made given that the legislator put the protection of documents submitted for registration of security issuance in a separate criminal law regulation; if they contain false information in the above and similar cases, there are no grounds for qualification under p. 1 of Art. 366 of CC, as well as under p. 2 of Art. 366 of CC, if pecuniary damage caused by such actions lead to serious consequences. Such a conclusion is also supported by punishment, which is softer under p. 1 of Art. 223-1 of CC compared to p. 1 of Art. 366 of CC.

In law enforcement activities, forgery in office can compete with some other elements of criminal offenses (in particular, committed by a general or special subject, not exclusively by an official, etc.). Thus, the competition of elements of criminal offenses should be considered not only by comparing the actions within a set of facts of criminal offenses but also by combining them with other legal facts (Shapchenko S.D. drew attention to the corpus delicti of a criminal offense as the construction of an information and evaluation model of factual circumstances – action combined with other legal facts) (Shapchenko, 2009, p. 243). Such competing elements of criminal offenses include those committed by a common subject (p. 1 of Art. 199, p. 1 of Art. 200, p. 1 of Art. 224, p. 1 of Art. 318 of CC) and a special subject (p. 1 of Art. 384 of CC). If the subject of these criminal offenses meets the criteria of pts. 3, 4 of Art. 18 of CC, and the target – a note to Art. 358 of CC, the relevant actions (only those that are identical) do not require additional qualification under the relevant part of Art. 366 of CC, that is, the rules for applying a special norm are in force.

5. Correlation of forgery in office with other criminal offenses

The objective aspect of certain criminal offenses implies the commission of acts in relation to the same target as in the commission of forgery in office, which, as a rule, do not over-

lap in their scope with direct forms of forgery in office. Such criminal offenses include, in particular, those that provide for liability for: 1) committing an act in the form of "submission", "provision" to a designated body or person of an official document (or information in an official document) with inaccurate data (p. 1 of Art. 158, p. 1 of Art. 159-1, p. 1 of Art. 209-1, p. 1 of Art. 222, p. 1 of Art. 232-2, pts. 1, 2 of Art. 351, p. 1 of Art. 351-1 of CC); 2) committing an act in the form of "notification" to a body or person of inaccurate (false) information (p. 1 of Art. 259, p. 1 of Art. 383, p.1 of Art. 400-1 of CC). The content of these articles of CC does not allow stating unambiguously or assuming reasonably that in such cases the process of submission (or provision) of the document or notification covers, for example, the introduction of false information into it. In our opinion, in such cases, forgery in office requires an individual qualification for a set of criminal offenses.

At the same time, there are elements of criminal offenses, the objective aspect of which does not provide for the commission of any form of forgery in office, although the "forgery" term or similar one is used in the construction of the corpus delicti of the relevant criminal offense (in particular, Arts 201, 201-1, 201-3, 201-4, 206-2, 233, 305, 332-2 of CC). In such cases, forgery in office requires a separate criminal law qualification in combination with other (abovementioned) criminal offenses.

In addition, a set of CC articles employ such words as "forgery", "falsification", etc., but they relate to the commission of specific actions toward different objects than official documents (for example, p. 1 of Art. 263-1, p. 1 of Art. 265, p. 1 of Art. 321-1, p. 3 of Art. 361, p. 1 of Art. 362 of CC).

6. Correlation of forgery in office with certain administrative offenses

The objective aspect of certain administrative offenses involves the commission of an act in the form of forgery of a specific official document or a group of such documents, for example: p. 1 of Art. 135-1 (act – "production", subject matter – "tickets, other travel documents, documents for the carriage of goods, postage paid, labeled products, international coupons for reply, identity cards for international postal exchange"), pts. 4, 5, 6, 8, 9, 10 of Art. 96 (act – "provision of inaccurate data", subject matter – "notification of the beginning of preparatory/construction work", "declaration of object readiness for operation", "act of object readiness for operation"), p. 8 of Art. 164 (act –"provision of inaccurate information in the document", subject matter – "notification of the commencement of economic activity"), p. 1 of Art. 164-12 (act – "inclusion of inaccurate information in the document", subject matter – "budget request"), p. 1 of Art. 164-18 of CUAO (act – "provision of knowingly false information", subject matter – "application for termination of copyright and (or) related rights violations").

According to Miskiv D. M. & Hazdaika-Vasylyshyn I. B., deliberate introduction by the declaration subject of knowingly false information into the declaration of a person authorized to perform the functions of the state or local self-government shall be qualified as forgery in office, not as an administrative offense under p 4 of Art. 172-6 of CUAO, if such data differ from reliable information at the amount of up to 500 subsistence rates for able-bodied persons (Miskiv, Hazdaika-Vasylyshyn, 2022, p. 109).

At the same time, in a similar legal situation, guided by the principle of legal certainty, the Supreme Court in its resolution No. 727/5768/18 as of 15.02.2021 concluded that the provision of false data in the declaration of object readiness for operation under the circumstances established by the courts indicates the absence of elements of forgery in office and the presence of elements of the administrative offense provided for in p. 13 of Art. 96 of CUAO.

Competition of forgery in office with certain administrative offenses creates problems: 1) related to the difference in the variants of legal qualification of an act under the norms of CUAO or CC due to different sanctions (type and extent of punishments and penalties); 2) vague interpretation and application of p. 6 of Art. 3, Art 11 of CC, p. 2 of Art. 9, Art. 253 of CUAO; 3) various legal consequences (including those provided for in Arts. 69, 75 of CC, the Law of Ukraine "On Combating Corruption", etc.), which occur depending on: a) the qualification of action as a criminal or administrative offense; b) the qualification of action as a corruption, corruption-related criminal offense, or corruption-related administrative offense or as a criminal or administrative offense that does not belong to such.

In our opinion, cases which contain objective and subjective signs of the corpus delict of forgery in office but illegal acts are committed against a particular official document, any forgery form of which constitutes the objective

aspect of an administrative offense regardless of any other mandatory signs of the corpus delicti of such an administrative offense, the relevant act cannot be qualified as forgery in office (even in cases which lack additional mandatory signs of an administrative offense (for example, purpose), a sufficient number of certain quantitative indicators of the subject matter of an administrative offense, etc.). Singling out a specific official document or a group of such documents as the subject of actions identical in content to the forms of forgery in office, the legislator "derived" these documents from the legal protection of the norm provided for in Art. 366 of CC.

As N. O. Antoniuk rightly notes, the differentiation of criminal liability by constructing special norms should be based on considering, first of all, a significant change in the social danger of the act committed, given the corresponding differentiating sign, the prevalence of such acts, and the timeliness of introducing appropriate amendments (Antoniuk, 2023, p. 418). At the same time, the above comparisons of forgery in office with administrative offenses indicate that none of these criteria is obviously available when it comes to forgery in office.

7. Conclusions

The above problems caused by the competition of forgery in office with other criminal and administrative offenses make it possible to formulate at least the following conclusions: 1) comparing forgery in office with other criminal offenses, it is necessary to primarily proceed from the fact that its main elements are characterized by the subject matter – an official document, the objective aspect – action in the form of "compilation", "issuance", "introduction", "other kind of forgery", the subject – an official, the subjective aspect – guilt in the form of direct intent; 2) the presence in the competing CC norms of all of these forms of actions (if there are other signs of the element of forgery in office) excludes the qualification of the committed as forgery in office, and vice versa, if the disposition of the competing norm does not enshrine a certain form of the committed act of forgery in office, then it shall be qualified under the relevant part of Art. 366 of CC where it is not covered by the relevant norm; 3) an act that contains all the signs of forgery in office but committed toward a certain official document, the encroachment of which is singled out as a separate criminal or administrative offense, is qualified exclusively by the rule of CC or CUAO, which provides for such a special offense; 4) in some cases, the type of official document affects the criminalization of the act or the type and extent of punishment for forgery of the relevant document; 5) the imperfection of legal regulation of CC and CUAO at the stage of establishing responsibility for a certain offense has the consequence: a) the creation of unnecessary special rules by criminalizing the forgery of a certain document, which has already been and remains criminally punishable; b) the lack of consistency in the types and extent of punishments; c) the designation of essentially the same actions with different terms (words) that denote different, not always the same "processes" or forms of forgery in office; 6) the current state of legal regulation casts doubt on the existence of specific criminal law norms (in particular, Art 366 of CC); 7) the issues raised are the subject of scientific discussion and require further scientific development.

References:

Andrushko, P.P., Honcharenko, V.H., Fesenko, Ye.V. (2008). Naukovo-praktychnyi komentar do Kryminalnoho kodeksu Ukrainy [Scientific and practical commentary to the Criminal Code of Ukraine]. Ed. 2, Kyiv: Dakor (in Ukrainian).

Antoniuk, N.O. (2023). Dyferentsiatsiia kryminalnoi vidpovidalnosti u kryminalnomu pravi Ukrainy: monohrafiia [Differentiation of criminal responsibility in the criminal law of Ukraine: monograph]. Kyiv: Alerta (in Ukrainian).

Brych, L. P. (2013). Teoriia rozmezhuvannia skladiv zlochyniv [The theory of distinguishing between crimes]. Lviv (in Ukrainian).

Marin, O.K. (2001). Konkurentsiia kryminalno-pravovykh norm [Competition of criminal law norms]: dissertation for obtaining the scientific degree of candidate of legal sciences]. Lviv (in Ukrainian).

Miskiv, D. M., Hazdaika-Vasylyshyn, I. B. (2022). Kryminalna vidpovidalnist za deklaruvannia nedostovirnoi informatsii ta za nepodannia deklaratsii subiektom deklaruvannia: monohrafiia [Criminal responsibility for declaring false information and for failure to submit a declaration by the subject of the declaration: monograph]. Lviv (in Ukrainian).

Navrotskyi, V. O. (2009). Osnovy kryminalno-pravovoi kvalifikatsii [Fundamentals of criminal law qualification]. Kyiv: Yurinkom Inter (in Ukrainian).

Opanasenko, V.I. (2019). Kryminalna vidpovidalnist za falsyfikatsiiu dokaziv: osoblyvosti rehlamentatsii ta shliakhy vdoskonalennia [Criminal liability for falsification of evidence: peculiarities of regulation and ways of improvement]: dissertation for obtaining the scientific degree of candidate of legal sciences, Kyiv (in Ukrainian).

Pietkov, S.V., Zhuravlov, D.V., Drozd, O.Iu. et al. (2024). Kryminalnyi kodeks Ukrainy. Naukovo-praktychnyi komentar [Criminal cod of Ukraine. Scientific and practical commentary], Kyiv: Tsentr uchbovoi literatury (in Ukrainian).

Shapchenko, S.D. (2009). Sklad zlochynu yak kryminalno-pravovyi fenomen: sutnist ta osnovni formy isnuvannia [The composition of the crime as a criminal-legal phenomenon: the essence and main forms of existence], Visnyk Akademii advokatury Ukrainy, no. 1 (14), 2009, pp. 240 – 243.

Skrypnyk, K.Iu. (2022). Rodovyi ta vydovyi obiekt prytiahnennia zavidomo nevynnoho do kryminalnoi vidpovidalnosti [The generic and specific object of prosecution is known to be innocent of criminal responsibility], Visnyk Natsionalnoi akademii pravovykh nauk Ukrainy, 2022, Vol. 29, no. 4, pp. 204-224 (in Ukrainian).

Tatsii, V.Ia., Pshonka, V.P., Borysov, V.I. et al. (2013). Kryminalnyi kodeks Ukrainy. Naukovo-praktychnyi komentar [Criminal cod of Ukraine. Scientific and practical commentary], Vol. 2. Kharkiv: Pravo (in Ukrainian).

Volynets, R.A. (2018). Kryminalno-pravova okhorona fondovoho rynku [Criminal protection of the stock market]: dissertation for obtaining the PHD of legal sciences, Kyiv (in Ukrainian).

The article was submitted 12.11.2024
The article was revised 03.12.2024
The article was accepted 24.12.2024