

12. *Ємельянов В.П.* Визначення об'єкта злочину у кримінально-правовій науці: дискусійні питання. Вісник Запорізького юридичного інституту Дніпропетровського державного університету внутрішніх справ. 2009. № 2. С. 125–135.
13. *Коржанський М.Й.* Нариси уголовного права. Київ: ТОВ “Гене́за”, 1999. С. 156–160.
14. *Коржанський М.Й.* Об'єкт і предмет злочину: монографія. Дніпропетровськ: Юрид. акад. МВС; Ліра ЛТД, 2005. 252 с.
15. *Костенко О., Ландіна-Виговська А.* Поняття об'єкта злочину: дискусію варто продовжити. Право України. 2008. № 4. С. 101–105.
16. *Кривуля О.М., Куц В.М.* Чи можуть бути суспільні відносини об'єктом злочину? Вісник Національного університету внутрішніх справ. 1997. Вип. 2. С. 70–75.
17. *Орлов Ю.В.* Безпосередній об'єкт злочину незаконне знищення виборчої документації або документації референдуму. Юридична наука. 2015. № 1. С. 91–100.
18. *Трубников В.М.* Нове універсальне поняття об'єкта злочину. Наука і правоохорона. 2009. № 1–2. С. 85–89.
19. *Трубников В.М.* Новый взгляд на объект преступления. Право і безпека. 2001. Вип. 1. С. 81–88.
20. *Фесенко Є.В.* Об'єкт злочину під кутом зору теорії цінностей, а також опонентів цієї концепції. Адвокат. 2003. № 6. С. 9–12.
21. *Фесенко Є.* Синергетика не суперечить ціннісній теорії об'єкта злочину. Юридичний вісник України. Інформаційно-правовий банк. 2004. 7–13 лютого. № 6. С. 30–32.
22. Велика українська юридична енциклопедія: у 20 т. Т. 17: Кримінальне право / редкол.: В.Я. Тацій (голова), В.І. Борисов (заст. голови) та ін.; Нац. акад. прав. наук України; Ін-т держави і права ім. В.М. Корецького НАН України; Нац. юрид. ун-т ім. Ярослава Мудрого. Харків: Право, 2017. 1064 с.
23. *Бычкова А.М.* Уголовно-правовые меры противодействия наркопреступности: учебное пособие. Иркутск: Изд-во Байкал. гос. ун-та, 2018. 146 с.
24. Комментарий к Уголовному кодексу Российской Федерации для работников прокуратуры (постатейный). 2-е изд., исправленное, дополненное и переработанное / отв. ред. канд. юрид. наук В.В. Малиновский; науч. ред. проф. А.И. Чучаев. Москва: Контракт, 2015. 1136 с.
25. Научно-практический комментарий к Уголовному кодексу Республики Беларусь / Н.Ф. Ахраменка и др.; под. общ. ред. А.В. Баркова, В.М. Хомича. Минск: ГИУСТ БГУ, 2007. 1007 с.

REFERENCES

1. *Mytrofanov, I.I., Prytula, A.M., Streltsov, Y.L.* (2015) Zlochyny proty zdorovya naseleння, shcho porushuyut pravo na yakisne zabezpechennya likarskymy zasobamy. “Crimes against Public Health, Violating the Right to Quality Assurance of Medicinal Products”: monograph / editor Y.L. Streltsov. Odesa: Phoenix, 158 p. [in Ukrainian].
2. *Kokhanovskiy, V.P.* and others (2006) Filosofiya nauki v voprosakh i otvetakh. “Philosophy of Science in Questions and Answers”: manual for post-graduate students. Rostov-na-Donu: Phoenix. 352 p. [in Russian].
3. *Muzyka, A.A.* (1998) Vidpovidalnist za zlochyny u sferi obihu narkotychnykh zasobiv. “Responsibility for Crimes in the Area of Drug Trafficking”. Kyiv: Lohos, 324 p. [in Ukrainian].
4. *Muzyka, A.A., Lashchuk, Y.V.* (2011) Predmet zlochynu: teoretychni osnovy piznannya. “The Subject of Crime: Theoretical Foundations of Cognition”: monograph. Kyiv: PALIVODA A.V. 192 p. [in Ukrainian].
5. *Tatsiy, V.Y.* (2016) Obyekt i predmet zlochynu v kryminalnomu pravi. “The Object and Object of a Crime in Criminal Law”: monograph. Kharkiv: Right. 256 p. [in Ukrainian].
6. *Knyzhenko, O., Krynik, G.S.* (2015) Shchodo vnesku Vasylya Yakovycha Tatsiya u doslidzhennya obyektu zlochynu. “To the Issue of the Contribution of Vasily Yakovlevich Tatiy to the investigation of the Crime Object”. Theory and Practice of Jurisprudence issue 2 (8). URL: http://nbuv.gov.ua/UJRN/tipp_2015_2_22 (Date of Application: 20.09.2018) [in Ukrainian].
7. *Bilokoniev, V.* (1999) Chomu zlochyn zapodiyuye shkodu? Spirni pytannya kryminalnoho prava. “Why Is the Crime Harmful? Controversial Issues of Criminal Law”. Law and Business No 32. August 7. P. 14 [in Ukrainian].
8. *Bilokoniev, V.* (2003) Obyekt zlochynu z pozytsiyi systemnoho pidkhodu. “The Object of the Crime from the Standpoint of a Systematic Approach”. Legal Bulletin of Ukraine. Information and Legal Bank, October 18–24. No 42. P. 28–32 [in Ukrainian].
9. *Vitko, O.Y.* (2012) Ponyattya obyektu zlochynu. “The Concept of a Crime Object”. Legal Science No 2, 95–100 pp. [in Ukrainian].
10. *Havrysh, S.B.* (2002) Kryminalno-pravova okhorona dovkillya v Ukrayini: problemy teorii, zastosuvannya i rozvytku kryminalnoho zakonodavstva. “Criminal Law and Environmental Protection in Ukraine: Problems in the Theory, Application and Development of Criminal Legislation”. Kyiv: Institute of Legislation of the Verkhovna Rada of Ukraine. 636 p. [in Ukrainian].

11. *Hryshchuk, V.K.* (2010) Vybrani naukovi pratsi. "Selected Scientific Works". Lviv: Lviv State University of Internal Affairs. P. 624–629 [in Ukrainian].
12. *Yemyelyanov, V.P.* (2009) Vyznachennya obyektu zlochynu u kryminalno-pravoviy nauki: dyskusiyi pytannya."Definition of the Object of a Crime in Criminal Science: Issues". Bulletin of Zaporizhia Law Institute of Dnipropetrovsk State University of Internal Affairs 2, 125–135 pp. [in Ukrainian].
13. *Korzhanskyi, M.Y.* (1999) Narysy uholovnoho prava. "Essays on Criminal Law". Kyiv: "Genesis " Ltd, 156–160 pp. [in Ukrainian].
14. *Korzhanskyi, M.Y.* (2005) Obyekt i predmet zlochynu. "Object and Subject of Crime": monograph. Dnipropetrovsk: Juridical Academy MIA, Lira Ltd. 252 p. [in Ukrainian].
15. *Kostenko, O., Landina-Vyhovska, A.* (2008) Ponyattya obyektu zlochynu: dyskusiyu varto prodovzhyty. "The Concept of the Object of Crime: the Discussion Should Be Continued. Law of Ukraine No 4, 101–105 pp. [in Ukrainian].
16. *Kryvulya, O.M., Kuts, V.M.* (1997) Chy mozhut buty suspilni vidnosyny obyektom zlochynu? "Can Public Relations be the Subject of a Crime?" Bulletin of the National University of Internal Affairs No 2, 70–75 pp. [in Ukrainian].
17. *Orlov, Y.V.* (2015) Bezposeredniy obyekt zlochynu nezakonne znyshchennya vyborchoyi dokumentatsiyi abo dokumentatsiyi referendumu. "Direct Object of a Crime is the Unlawful Destruction of Election Documents or Referendum Documentation". Legal Science 1, 91–100 [in Ukrainian].
18. *Trubnykov, V.M.* (2009) Nove universalne ponyattya obyektu zlochynu. "New Universal Concept of Crime Object". Nauka i Pravoohorona No 1–2, 85–89 pp. [in Ukrainian].
19. *Trubnikov, V.M.* (2001) Novyi vzglyad na obyekt prestupleniya."New Look at the Object of Crime". Right and Security 1, 81–88 [in Russian].
20. *Fesenko, Y.V.* (2003) Obyekt zlochynu pid kutom zoru teorii tsinnostey, a takozh oponentiv tsiyeyi kontseptsiyi. "The Object of Crime from the Point of View of view of the Theory of Values, as well as the Opponents of this Concept". Lawyer 6, 9–12 p. [in Ukrainian].
21. *Fesenko, Y.* Synerhetyka ne superechyt tsinnisniy teorii obyektu zlochynu. "Synergetics Does not Contradict the Value Theory of the Object of Crime". Legal Bulletin of Ukraine. Information and Legal Bank. February 7–13. No 6. P. 30–32 [in Ukrainian].
22. Velyka ukrayinska yurydychna entsyklopediya: u 20 t. T. 17: Kryminalne pravo. "The Great Ukrainian Law Encyclopedia": in 20 volumes. Vol. 17: Criminal Law / Editorial Board: V.Y. Tatsiy (Head), V.I. Borysov (Deputy Chief Editor) and others; National Academy of Legal Sciences of Ukraine; Institute of State and Law named after V.M. Koretsky; National Academy of Sciences of Ukraine; National Legal University named after Yaroslav the Wise. Kharkiv: Law, 2017. 1064 p. [in Ukrainian].
23. *Bychkova, A.M.* (2018) Ugolovno-pravovyye mery protivodeystviya narkoprestupnosti: uchebnoye posobiye. "Criminal Law Measures to Counter Drug Crime": training manual. Irkutsk. 146 p. [in Ukrainian].
24. Commentary to the Criminal Code of the Russian Federation for the Employees of the Prosecutor's Office (itemized). 2nd ed., revised, amended and revised /edit. V.V. Malinovskiy; scientific editor prof. A.I. Chuchaev. Moscow: Contract, 2015. 1136 p. [in Russian].
25. Scientific and Practical Commentary on the Criminal Code of the Republic of Belarus / N.F. Ahramenko and others; editors A.V. Barkov, V.M. Khomych. Minsk: GIUST BSU, 2007. 1007 p. [in Russian].

UDC 343.575(477)

V.V. Lisniak,
The Chair of Krynychansky Regional Court,
Dnipropetrovsk Region,
urban village Krynychky, Krynychansky District
of Dnipropetrovsk Region, Ukraine

DIRECT OBJECT OF CRIME, FORESEEN BY ART. 320 CC UKRAINE

In the paper, on the basis of the use of philosophical categories of general, special and separate, the progress from the general object of the crime to the generic object of crimes in the sphere of circulation of drugs, and subsequently – to the direct object of violation of established rules of the circulation of drugs, psychotropic substances,

their analogues or precursors (Article 320 of the Criminal Code of Ukraine) is considered.

The author perceives the sociological approach to understanding the essence of the object of the crime, according to which the object of any crime is to recognize the social relations that are put under the protection of the criminal law. Among numerous theories of the general doctrine of the object of the crime, the theory of “the object of crime – social relations” is distinguished by the methodological grounds, as well as the developed system of views on the mechanism of causing damage to the object of criminal law protection. On the basis of above mentioned factors, the sociological approach to the object of the crime is in the best way of competing with other scientific approaches to the definition of the essence of the general object of crime.

In the study, there weren't identified fundamental scientific objections regarding the perception of the generic object of crime in the area of drug trafficking. In the domestic science of criminal law, there has been a consistent approach to this: the generic object of this homogeneous group of crimes is reasonably considered to be the health of the population, that is, social relations that provide an indefinite number of people with the opportunity and favorable conditions for staying in a living state, happy and healthy being.

The study confirmed the view expressed in the science of criminal law that the definition of the direct object of a crime is important for practice and rather difficult for the theory of the case, and also that errors in determining the object of the crime most often occur at the level of the direct object crime

The definition of the direct object of the crime, foreseen by Art. 320 of the Criminal Code of Ukraine, as established for the purpose of public health protection from the turnover of drugs, psychotropic substances, their analogues or precursors are substantiated.

Scientific position, according to which the crime provided for in Part 1 of Art. 320 CC Ukraine (main composition) does not belong to two-object crimes, is formulated. At the same time, the crime provided for in Part 2 of Art. 320 CC Ukraine (qualified composition) may include an additional direct object which is optional, that is, present only if violations of the established rules caused the lack of appropriate means or substances in large quantities. Thus the thesis, widespread in the literature, that Part 1 of Art. 320 CC Ukraine provides for a two-object crime, is refuted.

Keywords: crime object, public relations, generic object, direct object, main direct object, additional direct object.

Отримано 21.11.2018