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## **EVOLUTION OF CRIMINAL-LEGAL REGULATION OF RESPONSIBILITY FOR THE DESECRATION OF THE GRAVE IN THE CRIMINAL CODE OF UKRAINE 2001**

Research article presents a comprehensive study of the criminal legal regulation of the responsibility for desecration of the grave in the Criminal Code of Ukraine for the period from 2001 to 2021. The research of this paper is of great importance for determining the effectiveness of this criminal norm and formulating proposals regarding its edition in the new Criminal Code.

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It is noted, that in the system of crimes against morality, one of the least investigated structures is the desecration over the grave, another burial place or the body of the deceased, the responsibility for which is provided by Art. 297 of the CC of Ukraine.

It has been established, that the edition of Article 297 of the CC Ukraine has undergone fundamental changes and has been supplemented with qualified corpus delicti. At the same time, the legislator proceeds exclusively by increasing criminal repression, overloading the norm with unnecessary provisions. The authors conclude, that the inappropriateness of the allocation of certain elements of desecration in the qualified corpus delicti is traced.

The legislator's comprehensive approach to the consolidation of the concept of "desecration" in the special Law of Ukraine "On Burial and Funeral Business" is positively assessed. It is indicated that domestic legislation for the first time criminalized the possession of the body (remains, ashes) of the deceased. Taking possession of a body, an urn with the ashes of the deceased, objects on (in) the grave, in another place of burial, on the body (remains, ashes) of the deceased were recognized as criminally punishable regardless of their motives. At the same time, attention is drawn to the controversy of qualifications under Art. 297 of the Criminal Code of desecration of the monument that was not installed directly at the burial site.

The authors conclude that it is controversial and premature to transfer Article 297 of the Criminal Code of Ukraine to the new Criminal Code of Ukraine in the current edition due to the need to further study these problems and find ways to solve them.

**Keywords:** desecration of the grave, other burial place or the body of the deceased; moral; monument; criminal liability; Criminal Code.

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