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## ТЕНДЕНЦІЇ РОЗВИТКУ КРИМІНАЛЬНОГО ЗАКОНОДАВСТВА УКРАЇНИ (НА ПРИКЛАДІ ЗЛОЧИНІВ ПРОТИ ПРАВОСУДДЯ)

**Анотація.** У статті здійснено спробу дослідження розвитку кримінального законодавства України на прикладі злочинів проти правосуддя. З цією метою автор звернувся до дослідження кримінального законодавства через аналіз його розвитку в глобалізованому світі та в Україні. В цьому контексті кримінальне законодавство запропоновано йменувати як глобалізаційне, а кодифікацію – уніфікованою, що викликано зближенням держав у світі через імплементацію конвенцій та інших міжнародно-правових актів та, як наслідок, гармонізацію кримінального законодавства. У історичній ретроспективі було сформовано історичну мапу злочинів, проступків та провинностей проти правосуддя, що були притаманні кримінальному законодавству в Україні в XI-XX ст. ст. (на підставі стадії та первинної можливості їх вчинення). Встановлено, що окремі тенденції щодо встановлення кримінальної відповідальності за вчинення кримінальних правопорушень у сфері правосуддя вплинуть на формування злочинів проти правосуддя: 1) імплементація міжнародно-правових актів; 2) забезпечення захисту діяльності міжнародних судів, юрисдикцію яких визнала Україна; 3) встановлення системи кримінальних правопорушень проти правосуддя через виокремлення їх груп в структурі відповідного розділу (поділ розділу на глави). Такими групами можуть бути: 1) кримінальні правопорушення у сфері здійснення правосуддя; 2) кримінальні правопорушення у сфері забезпечення здійснення правосуддя; 3) кримінальні правопорушення у сфері сприяння здійсненню правосуддя. Використання названих підходів дозволило сформулювати перспективи кримінального законодавства щодо злочинів та кримінальних проступків проти правосуддя. Акцентовано увагу на те, що кримінальні правопорушення (злочини) проти правосуддя є такими діяннями, що суттєво відрізняються за тяжкістю вчиненого, їх суспільною небезпечністю, а тому поділ цих кримінальних правопорушень на злочини та кримінальні проступки має впливати на процесуальні особливості притягнення винуватих за їх вчинення до кримінальної відповідальності.

**Ключові слова:** інститут кримінального права, покарання, загальноцивільний кодекс, карна політика, судочинство.

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## CRIMINAL LEGISLATION TRENDS IN UKRAINE (EVIDENCE FROM CRIMES AGAINST JUSTICE)

**Abstract.** The paper investigates the development of criminal legislation of Ukraine as exemplified in crimes against justice. To this end, the author approached the study of criminal law through the

*analysis of its development in the globalised world and in Ukraine. In this context, it is proposed to refer to criminal legislation as globalisational and to codification – as unified. This is caused by the rapprochement of countries in the world through the implementation of conventions and other international regulations and, consequently, the harmonisation of criminal legislation. In historical retrospect, the author constructed a historical map of crimes, misdemeanours, and offences against justice inherent in the criminal legislation of Ukraine in the 11<sup>th</sup>-20<sup>th</sup> centuries (based on the stage and initial possibility of their commission). It was determined that certain trends of establishing criminal liability for commission of criminal offences in justice will affect the development of crimes against justice: 1) implementation of international regulations; 2) ensuring the protection of the activities of international courts whose jurisdiction is recognised by Ukraine; 3) establishment of a system of criminal offences against justice through their division into groups in the structure of the corresponding section (division of the section into chapters). Such groups may be: 1) criminal offences in administration of justice; 2) criminal offences in enforcement of justice; 3) criminal offences in support of enforcement of justice. The use of these approaches allowed to develop the prospects of criminal legislation on crimes and misdemeanours against justice. Emphasis is placed on the fact that criminal offences (crimes) against justice are such acts that significantly differ in the severity of the offence, their social danger, and therefore the division of these criminal offences into crimes and misdemeanours should affect the procedural features of bringing the respective perpetrators to criminal responsibility.*

**Keywords:** criminal law institution, punishment, general civil code, criminal policy, legal proceedings.

## INTRODUCTION

Acceleration of social, economic, and political processes in the world, rapprochement of Ukraine with the European Community indicate the need to revise the content and form of the main institutions of criminal law – crime and punishment. In the EU Member States, the Laws on Criminal Liability are different in name and content: criminal (Criminal Codes of Finland<sup>1</sup>, Canada<sup>2</sup>, Denmark<sup>3</sup>, the Netherlands<sup>4</sup>, the Czech Republic<sup>5</sup>), penal (Penal Codes of Spain<sup>6</sup>, Portugal<sup>7</sup>, Switzerland<sup>8</sup>, Italy<sup>9</sup>) or general civil penal codes (Norway

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<sup>1</sup> Criminal Code of Finland. (2017, April). Retrieved from <http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>.

<sup>2</sup> Criminal Code of Canada. (2017, March). Retrieved from <http://laws-lois.justice.gc.ca/eng/acts/C-46/>.

<sup>3</sup> Criminal Code of Kingdom of Denmark. (2017, December). Retrieved from [https://www.unodc.org/res/cld/document/criminal\\_code\\_of\\_denmark\\_as\\_of\\_2012\\_danish\\_version\\_html/Danish\\_Criminal\\_Code\\_as\\_of\\_2012.pdf](https://www.unodc.org/res/cld/document/criminal_code_of_denmark_as_of_2012_danish_version_html/Danish_Criminal_Code_as_of_2012.pdf).

<sup>4</sup> Criminal Code of Netherlands. (2012, October). Retrieved from [http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht\\_ENG\\_PV.pdf](http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht_ENG_PV.pdf).

<sup>5</sup> Criminal Code of the Czech Republic. (2017, October). Retrieved from <http://www.ejtn.eu/PageFiles/6533/Criminal%20Code%20of%20the%20Czech%20Republic.pdf>.

<sup>6</sup> Criminal Code of Spain. (2019, November). Retrieved from [http://perso.unifr.ch/derechopenal/assets/files/legislacion/1\\_20121008\\_02.pdf](http://perso.unifr.ch/derechopenal/assets/files/legislacion/1_20121008_02.pdf).

<sup>7</sup> Criminal Code of Portugal. (2017, December). Retrieved from <https://www.hsph.harvard.edu/population/domesticviolence/portugal.penal.95.pdf>.

<sup>8</sup> Criminal Code of Switzerland. (2010, September). Retrieved from <https://www.admin.ch/opc/it/classified-compilation/19370083/index.html>.

<sup>9</sup> Criminal Code of Italy. (2017, August). Retrieved from <http://www.anvu.it/wp-content/uploads/2016/03/codice-penale-navigabile-4-marzo-2016.pdf>.

General Civil Penal Code<sup>1</sup>). The tasks and goals of these current regulations differ and are associated with various historical events (late 19<sup>th</sup> century – early 21<sup>st</sup> century) [1]. The development of criminal legislation is a complex cyclical process, within a long period of which it is possible to distinguish individual stages of development, described by different selection criteria. It is important to address the modifications that have occurred in the systematisation of regulations during the independence of Ukraine, as this period is marked by significant changes in legislation, as well as progress towards democracy, harmonisation with continental Europe.

The development of criminal legislation in Ukraine and other countries is based on the continuity of criminal law provisions, the current state of society and the country, as well as international legal obligations that are inherent in a civilised and globalised world. The influence of such different approaches indicates the development of specific similar and at the same time different criminal (penal) codes, which thus preserve unity and differentiation. The need to adopt a new Criminal Code<sup>2</sup> in Ukraine is primarily associated with the dynamic development of the State, which seeks to raise the level of legal regulation of criminal law relations to European standards, which is mandatory in view of the obligations of the government in the Agreement on association with the EU (Articles 8, 22, 24)<sup>3</sup>. It is evident that such a large work on the preparation of a new Criminal Code requires the consolidation of the highest level of criminal (penal) policy or strategy that will allow to plan such changes in the near future [2; 3]. It is obligatory to test and endorse the new Criminal Code in Ukraine in the future in a separate region of Ukraine, conduct surveys of professional participants in criminal (court) proceedings on their attitude towards such changes, record expectations from society on the results of the new Criminal Code of Ukraine<sup>4</sup>, and adjust new version of the Criminal Code of Ukraine [4; 5].

Considering the global trends in the development of criminal law provisions and Criminal (Penal) Codes in general, it should be noted that the period, which the criminal legislation is currently undergoing, should be referred to as globalisational, and codification should be referred to as unified. This is conditioned by the rapprochement of countries in the world through the implementation of conventions and other international regulations, which has led to the harmonisation of criminal legislation. Thus, it should come as no surprise that the so-called "new" criminal codes will retain most of the rules in the same form as in previous versions, due to the international obligations assumed by states in previously adopted conventions, international acts and agreements.

Notably, the new Criminal Code of Ukraine must preserve the historical continuity that is inherent in criminal legislation. This means that the institutions of criminal law, which can be traced back to different historical periods, must continue existing in a slightly updated form, represented by the new Criminal Code of Ukraine. This applies to different

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<sup>1</sup>General Civil Penal Code of Norway. (2020, January). Retrieved from [http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/NOR\\_penal\\_code.pdf](http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/NOR_penal_code.pdf).

<sup>2</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

<sup>3</sup> Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States. (2014, March). Retrieved from [https://zakon.rada.gov.ua/laws/show/984\\_011/ed20140321#Text](https://zakon.rada.gov.ua/laws/show/984_011/ed20140321#Text).

<sup>4</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

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times of Ukraine's development, including within different state formations: Kyivan Rus, the Principality of Galicia–Volhynia, the Grand Duchy of Lithuania, the Polish–Lithuanian Commonwealth, the Austro-Hungarian Empire, the Russian Empire, Poland, Romania, Hungary, and Czechoslovakia.

## 1. MATERIALS AND METHODS

To analyse the prospects for further development of criminal legislation, the latest developments of the domestic doctrine of criminal law have been studied, the legislation on crimes has been explored, the main dynamics have been traced, regulations have been studied, allowing to shed light on practical problems. The structure of the scientific paper on criminal law contains traditional elements: problem statement, initial provisions and their theoretical development are put forward, empirical data is collected and analysed, the conclusion is substantiated, matters requiring further study are outlined, etc. The theoretical framework of the paper includes scientific articles of Ukrainian and other lawyers in criminal law. To identify trends in the criminal legislation of Ukraine, the author used an example of the study of crimes against justice in historical retrospect and the development of promising areas. A set of scientific methods was used for this, including general scientific and special methods of scientific cognition. Methods of logic, analysis and synthesis, induction and deduction, analogy were used in the construction of a scientific paper, establishing trends in criminal legislation in the globalised world and Ukraine, the transition from individual crimes against justice to their totality, and establishing the content of crimes against justice as an institution of criminal law. The Aristotelian method was used to outline the scope of regulations necessary to establish development trends in criminal legislation of Ukraine. The comparative legal method was used to compare the consolidation of the institution of crimes against justice in Ukraine and other countries, and the historical legal method was used to establish the historical preconditions for the development of the institution of crimes against justice in Ukraine. In particular, the division of criminal offences in the history of Ukrainian criminal law was identified as early as in the Austro-Hungarian Criminal Code of Franz Joseph I in 1852, which operated in the Ukrainian lands of Galicia and Bukovina. These scientific visions of legal phenomena are based on the principles of scientific unity of theory and practice, scientific objectivity, which eliminates the bias of research results, as well as does not make them dependent on policy or ideological approaches. The dominant method in the methodological approach is comparative law, which allowed to investigate and compare the institution of crimes against justice in other countries. The normative-dogmatic method is used to analyse the content of the provisions of the current domestic criminal legislation, and the method of system-structural analysis – to determine the place of crimes in the legal system. The comparative method allowed to conduct a comparative and analytical review of the Criminal Code of Ukraine<sup>1</sup> and the Law of Ukraine “On Criminal Liability”<sup>2</sup> and to conclude that it is necessary to divide criminal offences into crimes and misdemeanours.

The method of legal forecasting enabled the identification of possible areas for improvement of national criminal legislation and individual laws of Ukraine. The modelling method was used to design the future structure of the object upon the development of proposals and recommendations aimed at improving criminal legislation and the practice of its application. The entire process of scientific cognition was accompanied by a dialectical method, which was used to consider the trends of development of the Ukrainian legislation and stages of its improvement. The dogmatic method

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<sup>1</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

<sup>2</sup> Law of Ukraine No. 2341-III “On Criminal Liability”. (2001, April). Retrieved from <http://code.leschishin.org/crc/crc02.php>.

facilitated the interpretation of legal categories. The formal legal method was used in the analysis of legal provisions on criminal offences and misdemeanours. In the context of modern development of the criminal legislation, the ideas proposed by the author herein contain objective, substantial, and methodological components. These methods were used in an integrated manner to ensure the comprehensiveness of the study and the reliability of its results.

## 2. RESULTS AND DISCUSSION

### 2.1 Trends in the development of criminal legislation in the globalised world

An important issue to be addressed is the title of the new Law on criminal liability. In Ukraine, there are currently two synonymous names of one regulation that establishes criminal liability – the "Criminal Code of Ukraine"<sup>1</sup> and the "Law on Criminal Liability"<sup>2</sup>. Depending on the adopted act, countries of the world used either "Criminal Code" or "Penal Code". The difference between the Criminal Code and the Penal Code is the presence of an emphasis that connects the purpose of this act [6; 7]. The Criminal Code aims to draw the line between criminal and non-criminal, while the Penal Code does not stop there and moves forward to another purpose – punishment of the guilty for the crime committed [8]. An interesting new approach should be the division of criminal offences into crimes and misdemeanours, which has already been stipulated in the current Criminal Code of Ukraine since January 1, 2020<sup>3</sup>. Preservation of such a division of criminal offence (which has already been traced in the history of Ukrainian criminal law, for example, the Austro-Hungarian Criminal Code of Franz Joseph I in 1852, which operated in the Ukrainian lands of Galicia and Bukovina until 1932) will affect not only the institutions of the General, but also the institutions of the Special Part of the new Criminal Code of Ukraine<sup>4</sup> [9]. It will be necessary to compile a separate book of the Special Part in the new Criminal Code of Ukraine<sup>5</sup>, which would establish criminal liability for misdemeanours (with their division into sections). Such approach would help the law enforcer to quickly resolve the issue of investigation (inquiry or pre-trial investigation) and jurisdiction of criminal proceedings (cases), and the citizen – to determine the possible consequences of a crime or criminal offence. Thus, Book I of the Special Part in the new Criminal Code of Ukraine – "Crimes"<sup>6</sup>, and Book II – "Misdemeanours" should be introduced.

The necessity of criminal law protection of life, health, property, the environment, the service sector, or justice is undoubted [10]. Crimes against humanity and war crimes are in particular need of criminal justice, as Ukraine (since 2014) has been the victim of aggression by Russia and the occupation of its parts in Luhanska and Donetska Oblasts, as

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<sup>1</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

<sup>2</sup> Law of Ukraine No. 2341-III "On Criminal Liability". (2001, April). Retrieved from <http://code.leschishin.org/crc/crc02.php>.

<sup>3</sup> Law of Ukraine No. 2617-VIII "On modification of some legislative acts of Ukraine concerning simplification of prejudicial investigation of separate categories of criminal offences". (2018, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/2617-19#Text>.

<sup>4</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

<sup>5</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

<sup>6</sup> *Ibidem*, 2001.

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well as in Crimea. To this end, the implementation of the Rome Statute of the International Criminal Court and the harmonisation of current legislation in this field are being addressed. Meanwhile, Ukraine has already recognised the jurisdiction of the International Criminal Court to commit crimes against humanity by senior government officials, which led to particularly serious consequences and mass killings of Ukrainian citizens during peaceful protests between November 21, 2013 and February 22, 2014<sup>1</sup>. The International Criminal Court has subsequently commenced proceedings for aggression against Ukraine (Reports of the International Criminal Court on the actions of the preliminary investigation of 14 November 2016<sup>2</sup>, 4 December 2017<sup>3</sup>, 5 December 2018<sup>4</sup>, 5 December 2019<sup>5</sup>).

## *2.2 Historical preconditions for the development of criminal legislation in Ukraine on crimes against justice*

It is necessary not only to preserve the historical ties that are preserved in the current version of the Criminal Code of Ukraine<sup>6</sup>, but also to restore the already lost ties through the development of a new version of the Criminal Code of Ukraine with changes based on research of previous versions of various codes that were valid with the state formations on Ukrainian territory. Studies of these regulations allow to form *a historical map of crimes, misdemeanors, and offences against justice*, which were inherent in the criminal legislation of Ukraine in the 11th-20th centuries (*based on the stage and initial possibility of their commission*):

1. Stage before the registration of a crime, related to the registration of a crime or instead of pre-trial or court proceedings: 1) abscondence of a criminal, concealment of a crime or traces of a crime; 2) obstruction of the search for a criminal or a fugitive; 3) acceptance of the criminal on the ship by the skipper for the purpose of its transportation; 4) failure to report on an impending crime or on a committed crime; 5) false report of a crime, false denunciation, slander, self-incrimination; 6) denial of justice; 7) failure to initiate an investigation in a criminal case; 8) reprimanding a person for committing a crime before the court passes a sentence; 9) self-judgment; 10) exercising judicial functions without authority (by another person), pretending to be a judicial official.

2. Stage of pre-trial investigation: 1) obstruction of investigative actions by violence or other means; 2) illegal conduct of investigative actions, including search and seizure; 3) unlawful arrest, detention, or restriction of liberty; 4) failure to take security measures against persons taken under protection and disclosure of information about such measures; 5) non-appearance of a witness, expert, translator, juror in court (pre-trial investigation),

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<sup>1</sup> Application of Verkhovna Rada No. 790-VII of Ukraine. (2014, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/790-18#Text>.

<sup>2</sup> International Criminal Court Report on Preliminary Examination Activities (2016, November). Retrieved from [https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE\\_ENG.pdf](https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf).

<sup>3</sup> International Criminal Court Report on Preliminary Examination Activities (2017, December). Retrieved from <https://www.icc-cpi.int/Pages/item.aspx?name=171204-rep-otp-PE>.

<sup>4</sup> International Criminal Court Report on Preliminary Examination Activities (2018, December). Retrieved from <https://www.icc-cpi.int/Pages/item.aspx?name=181205-rep-otp-PE>.

<sup>5</sup> International Criminal Court Report on Preliminary Examination Activities (2019, December). Retrieved from <https://www.icc-cpi.int/Pages/item.aspx?name=191205-rep-otp-PE>.

<sup>6</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

their refusal to perform duties; 6) resistance to the appearance of a witness, victim, expert, forcing them to refuse to testify or give an opinion, including through bribery or revenge; 7) incitement of a witness or expert to give false testimony, including by threats or violence; 8) perjury, intentional, or negligent false testimony of a witness or expert in a civil or criminal case, defamation, self-incrimination; 9) insulting witnesses; 10) insult of the prosecutor or investigator; 11) coercion to testify, torture; 12) failure of the investigator to interrogate after taking the person into custody for three days; 13) destruction, theft, or falsification of evidence or case; 14) violation (disclosure) of secrecy by a lawyer, prosecutor, or other person; 15) obstruction of the advocate's defence of a client, including through bribery; 16) misappropriation of a document written to the court for prosecution; 17) slowness of the investigation; 18) failure of an investigator to perform duties; 19) acquisition of property that is the subject of the case by the official conducting the investigation, as well as concealment of property subject to confiscation; 20) bringing a knowingly innocent person to criminal responsibility, sending them to court without charges, false accusation [11].

3. Stage of judicial review: 1) obstruction of judicial activity, interference in the activity of the court, interference in the performance of their duties by a court official; 2) contempt of court or court decision, insult of the court, including judge, magistrate, gendarme, other employee in a judicial institution; 3) bodily injuries, murder of a participant in legal proceedings (or in court) or threat of their commission; 4) disrespect committed by the judge to the participants in the proceedings, including bodily injury and murder; 5) false oath in a civil or criminal case; 6) bribery of a judge, prosecutor, or other judicial official, including through extortion; 7) abuse of justice by a judge or court official; 8) abuse of power by a court official; 9) excess of authority by a judge, prosecutor, judicial police officer; 10) incitement to abuse of power by a judge or prosecutor; 11) delay in justice; 12) unjust decision, injustice.

4. Stage of execution of judgement: 1) repeated appeal to the court on the same grounds; 2) claim what was lost after the court; 3) non-execution of judgement; 4) non-execution of punishment; 5) illegal imprisonment; 6) execution of a sentence not imposed by a court, increase or decrease of a sentence imposed by a court; 7) evasion from serving a sentence in the form of imprisonment; 8) violation of deportation abroad, escape from the place of exile, unauthorised return of the person who was deported or non-departure of the convict for deportation; 9) malicious disobedience to the requirements of the administration of the penitentiary institution; 10) illegal transfer of prohibited items to persons held in correctional facilities, pre-trial detention centres, medical-labour and medical-educational prophylactics; 11) escape of a prisoner, mass escape of prisoners, breakage of a prison, escape from a specialised medical institution; 12) aiding or abetting the escape of a prisoner; 13) negligence of the warden in prison [12].

### *2.3 Current trends in the development of criminal legislation of Ukraine on crimes against justice*

Crimes and misdemeanours in justice will become important chapters of both books of the Special Part of the new version of the Criminal Code of Ukraine<sup>1</sup>. At present, there are

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<sup>1</sup> The Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.

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certain trends in the world concerning the establishment of criminal liability for criminal offences in the field of justice: 1) implementation of international regulations; 2) ensuring the protection of the activities of international courts whose jurisdiction is recognised by Ukraine; 3) establishment of a system of criminal offences against justice through their division into groups in the structure of the relevant section (division of the section into chapters). Such groups may be: 1) criminal offences in administration of justice; 2) criminal offences in enforcement of justice; 3) criminal offences in support of enforcement of justice [13].

The names of criminal offences against justice in the world differ, which, however, allows to distinguish the following groups of names that protect the following generic objects: 1) the administration of justice; 2) justice; 3) related objects: a) the judiciary; b) judicial authorities; c) public authority; d) true statements, testimony, conclusions, accusations, and decisions in court proceedings; 4) justice and related objects. In this part, the legislator will need to decide on the object to be protected [14]. Therewith, it is important to maintain a broad interpretation of justice, which protects it at various stages and forms of proceedings from the filing of an application or operational and investigative activities to the execution of a court decision or sentence [15; 16]. That is why the provision of criminal law protection before the administration of justice will lead to a significant narrowing of protection to ensure the implementation of procedures in the issuance of court decisions.

The most typical criminal offences in justice in the world are: 1) false reporting of a crime, simulation of a crime, failure to report a (serious) crime and falsification of evidence; 2) false accusation, false testimony, false oath, and other false statements; 3) criminal offences related to the adoption of illegal decisions (illegal detention or arrest, coercion to testify, refusal to administer justice, making a false court decision); 4) corruption criminal offences of persons administering justice; 5) threat or violence against the participants in the proceedings, as well as encroachment on their property; 6) obstruction of justice, non-appearance, and defamation; 7) escape from the place of imprisonment, release of a person serving a sentence and concealment of a crime; 8) other criminal offences at the stage of execution of judgement or sentence (non-execution of judgement, evasion of execution of a court decision, riot of convicts) [17].

#### *2.4 Prospects for the development of criminal legislation on crimes and misdemeanours in the new Criminal Code of Ukraine*

Crimes and misdemeanours against justice in the new Criminal Code of Ukraine should include the corresponding sections in the books that establish criminal liability for committing socially dangerous acts [18]. This inclusion should be based on Ukraine's international legal obligations, the historical preconditions for the development of the institution of crimes and misdemeanours against justice in Ukraine, as well as the current state of justice, which requires protection at the appropriate level [19]. Considering such an approach, it is necessary to include the following acts as *crimes against justice* in the new Criminal Code of Ukraine: 1) concealment of a crime; 2) false denunciation; 3) knowingly illegal house arrest or detention; 4) coercion to testify; 5) perjury; 6) false oath; 7) false conclusion of a forensic expert or appraiser's report on property valuation; 8) false translation; 9) bribery of a witness, victim, forensic expert, appraiser, or translator; 10)

disclosure of investigative or lawyer's secrecy; 11) falsification of evidence; 12) ruling by a judge (judges) of a knowingly unjust decision, sentence, ruling, or resolution; 13) destruction or damage of evidence; 14) false accusations; 15) obstruction of the activity of a judge, prosecutor, or investigator; 16) interference in the activities of statesmen of the judiciary; 17) illegal interference in the work of the automated document management system of the court; 18) failure to take security measures against persons taken under protection; 19) disclosure of information on security measures in respect of a person taken under protection; 20) resistance to public or private performers; 21) non-execution of a court decision; 22) non-compliance with the decision of the International Criminal Court, the European Court of Human Rights, or the Constitutional Court of Ukraine; 23) illegal actions with respect to property subject to confiscation; 24) evasion of serving a sentence in the form of restraint of liberty; 25) evasion from serving a sentence in the form of restriction or imprisonment by a person who was allowed a short-term departure; 26) actions that disrupt the work of penitentiary institutions; 27) escape from the place of imprisonment or from custody [20].

The following acts can be considered as *misdemeanours against justice* in the new Criminal Code of Ukraine: 1) self-judgment; 2) violation of the right of access to court or the right to initiate a pre-trial investigation; 3) knowingly illegal detention or attachment; 4) non-compliance with house arrest; 5) violation of the right to protection; 6) misleading the High Council of Justice; 7) refusal of a witness to testify or refusal of a forensic expert or translator to perform the duties assigned to them; 8) obstruction of the appearance of a witness, victim, forensic expert, forcing them to refuse to testify or give an opinion; 9) interference in the activities of a judge, prosecutor, investigator, lawyer, representative of a person, forensic expert, employee of the state executive service, or private executor; 10) obstruction of the activity of the High Council of Justice, the High Qualification Commission of Judges of Ukraine; 11) disclosure of information on security measures in respect of a person taken under protection; 12) illegal actions with respect to the seized property, the pledged property, or the property distrained; 13) evasion from payment of a fine or from serving a sentence in the form of deprivation of the right to hold certain positions or engage in certain activities; 14) evasion of serving a sentence in the form of community service or correctional labour; 15) intentional non-performance of a conciliation agreement or a guilty plea; 16) non-compliance with restrictive measures, restrictive instructions or failure to pass the programme for offenders; 17) violation of the rules of administrative supervision.

## CONCLUSIONS

Criminal offences against justice are such acts that significantly differ in the gravity of the offence, their social danger. Therefore, the division of these criminal offences into crimes and misdemeanours is timely and will affect the procedural features of bringing those responsible for their commission to criminal responsibility. This, in turn, will reduce the burden on pre-trial investigation bodies for these categories of cases. Analysis of global trends in the development of criminal law and Criminal (Penal) Codes in general, indicated that the period under criminal legislation should be referred to as globalisational, and codification should be referred to as unified. This is conditioned by the rapprochement of countries in the world through the implementation of conventions and other international

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regulations and, as a consequence, the harmonisation of criminal legislation. It was established that in the process of modification of criminal legislation it is necessary to retain not only historical ties preserved in the current version of the Criminal Code of Ukraine, but also to restore the already lost ties through the development of a new wording of the Criminal Code of Ukraine with changes to previous versions of the regulations. Based on a study of previous versions of certain laws and various codes that operated within the state formations in Ukraine at different times, the author constructed a historical map of crimes, misdemeanours, and offences against justice inherent in the criminal legislation of Ukraine in the 11th-20th centuries (based on the stage and initial possibility of their commission).

The study of regulations that operated in Ukraine in different historical intervals, allowed to point to the rich experience and extensive path of the legislator, who singled out such acts that encroach on justice (approximately 55 crimes against justice). Consideration of these historical preconditions, the modern development of criminal law in Ukraine, as well as current trends, has led to the development of crimes (27) and criminal misdemeanours (17), which may be included in the new Criminal Code of Ukraine.

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