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CRIMINAL LEGAL RESEARCH OF VICTIM OF CRIMES THAT VIOLATE SEXUAL FREEDOM AND SEXUAL INVIOABILITY OF CHILDREN

This article explores the issue of victim of crimes that violate the sexual freedom and sexual inviolability of children. Special attention was paid to the concept of the victim in the science of criminal law. Therefore, the author studies the victim in the group of crimes that violate the sexual freedom and sexual inviolability of children. Some changes in the definition of the victim of those crimes are proposed by the author in order to improve the differentiation of criminal responsibility for those crimes.

We share the view of M. Senatorov that a victim of such a crime is a social entity (person or entity, state, other social institution or society in general), welfare, right or interest of which is under the protection of the criminal law.

The legislator determines that victims of crimes provided by p. 3, 4 of Article 152, p. 2, 3 of Article 153 of the Criminal Code of Ukraine are minors and juveniles. Since in the course of establishment of victims of these crimes for persons aged 14 to 18 it is impossible

to uniquely determine the age at which one is considered sexually mature. In our opinion, once the child reaches sexual maturity, this is the point from which the court can provide individual's right to marriage. It is then advisable to begin criminal protection of sexual freedom. That is why we talk about criminal protection of sexual integrity, and the victim should be defined as a child who has not reached sexual maturity.

We propose to define a victim of crimes violating sexual freedom or sexual integrity of the child depending on subject of infringement. Thus, in p. 3, Article 152 and p. 2, Article 155 of the Criminal Code of Ukraine the object of assault is sexual freedom, and therefore the victim must be defined as a child who has reached sexual maturity. The object of crime in p. 4 of Article 152, p. 3 of Article 153, Art. 155, Art. 156 of the Criminal Code of Ukraine is sexual integrity, and the victim of a crime should be defined as a child who has not reached sexual maturity.