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THE ANALYSIS OF THE CONCEPTUAL ASPECT OF “CRIMES WITHOUT SUBJECTS” IN THE AREA OF OFFICIAL AND PROFESSIONAL ACTIVITY RELATED TO THE PROVISION OF PUBLIC SERVICES

Today one of the major “defects” in Ukrainian criminal law doctrine is uncertain nature of the category “crimes without subjects”. This problem has been the subject of scientific interest of many scholars, including Y. Lashchuk, M. Bikhmurzin, A. Chuchaiev, N. Kvasnevska, M. Panov, A. Baranov, V. Buhaiev and others. The purpose of our research is the systematization of existing knowledge and the differentiation of the main approaches to the interpretation of the legal nature of the term “crimes without subjects”, drawing attention to their implementation in the context of crimes related to official and professional activities in the provision of public services. We believe that

the main reason to specify this term is its optionality in the structure of the offense.

In our opinion, there are four main types of interpretation of the term “crimes without subject”: firstly, as crimes committed in the form of inaction; secondly, as crimes the subject of which is defined by blanket disposition; thirdly, such crimes do not exist; fourthly, crimes without subjects are crimes, the subject of which is not covered by criminal law. We think that the only reasonable position is one that believes that “crimes without subject” are crimes subjects of which are not even indirectly reflected in the texts of the Criminal Code of Ukraine.