

характер його дій, наприклад, перенесення важких вантажів. Сліди ніг можуть надати інформацію про тип взуття та деякі його характеристики. За слідами ніг можна ідентифікувати конкретну особу, її взуття, колготки, шкарпетки, панчохи. Звичайно, при ідентифікації взуття необхідно також довести, що сліди взуття, виявлені на місці злочину, були взуті саме цією особою. Ідентифікувати особу, яка носила взуття, можна також безпосередньо за взуттям, знайденим на місці злочину (наприклад, якщо злочинець взув взуття, викрадене з місця крадіжки, а своє взуття залишив). Таке взуття залишає сліди форми, об'єму, індивідуальних особливостей будови стопи, положення пальців ніг, внутрішньої щиколотки, зовнішньої щиколотки, а також сліди запаху.

Отже, сліди рук і ніг є цінними доказами, які можуть допомогти розслідувати злочини, ідентифікувати злочинців та запобігти злочинам.

Література

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LEGISLATIVE CONTRADICTIONS OF SUBJECTS IN CRIMINAL OFFENCES REGARDING SEXUAL INTEGRITY AND FREEDOM

Sexual relations between people have been a widespread phenomenon all over the world from the moment of the appearance of human beings on the Earth. This kind of relationship was supervised and controlled even before when the humanity transferred into nations from tribes. In the first form, sexual relations have been regulated by customary law and some adopted acts later. Regulated acts could be enacted by one person – a monarch, or by any form of parliament. Nevertheless, there for sure will be present some contradictions or gaps made by a legislator.

V. Nersesyants defines a gap in law as the absence of a norm in law which, by the content of the current law and by the nature of the social relations that

are regulated by them, is necessary to regulate these specific factual circumstances (actual relations) that are in the sphere of legal regulation that has developed [1]. Let us take a look at subjects in criminal offences regarding sexual integrity and freedom.

In accordance with Article 22.1 of the Criminal Code of Ukraine, criminal liability is imposed on persons who have reached the age of sixteen before committing a criminal offence. However, every norm has its own exception. In Article 22.2 of the Criminal Code of Ukraine, persons who have committed criminal offences between the ages of fourteen and sixteen shall be subject to criminal liability for an exhaustive list of criminal offences that are understood by our legislator as “grave crimes”. Crimes that concern sexual integrity and freedom are also included in this list. They are rape (Article 152), sexual violence (Article 153) [2].

According to Article 155.1 of the Criminal Code of Ukraine, a commitment by an adult (18 years of age) of sexual acts involving vaginal, anal or oral penetration of a person under the age of sixteen provides a criminal liability by its sanction. It is clear, that a subject in this corpus delicti neither complies to Article 22.1 nor Article 22.2. It is a pretty strange collision in the identification of a subject in Article 155.1 of the Criminal Code of Ukraine. As I have already mentioned before, Article 22.1 provides a specific age from which a sanction for a commitment of a criminal offence may occur (sixteen years of age), if a criminal offence is not included in Article 22.2 (Article 155 is not included). To sum up, a subject in the corpus delicti of the reviewed article should be 16 years of age. Even so, the disposition of this article absolutely tears apart this statement and rule. The legislator provided in it an age limit. Only a person who has reached 18 years of age (adult) may be liable for such actions [2].

Let us put another prescription provided by the Verkhovna Rada of Ukraine under review. Pursuant to Article 156.1, debauched actions committed with regard to a person under sixteen years of age are the reason for restriction of liberty or imprisonment. This article is not included in the list provided by Article 22.2 of the Criminal Code of Ukraine. Thus, a subject of commitment of this violation may be punished only after achieving the age of sixteen [2].

The main contradiction of subjects' identification in the provided above criminal offences regarding sexual integrity and freedom lies in the absence of moral and sane logic. The considered problem is based on a fact that only an adult person (18 years of age) is liable for a commitment of sexual acts involving vaginal, anal or oral penetration of a person under the age of sixteen (Article 155.1 of Criminal Code of Ukraine). Though, a minor (16-17 years of age) is not a subject of punishment in this case. It is very odd in my opinion, because a minor (16-17 years of age) may legally have intercourse with another minor who has only reached the age of fourteen or fifteen. If to look through the prism of Article 156.1 of the Criminal Code of Ukraine and Scientific and practical commentary on the Criminal Code of Ukraine, the debauched acts

must be of a sexual nature and may be in the form of physical acts or intellectual corruption. Such actions are aimed at satisfying the perpetrator's sexual desire or at arousing the sexual instinct of a minor. However, such actions do not constitute unlawful natural or unnatural sexual intercourse with a person under the age of sixteen. Liability for the latter is provided for in Articles 152, 153, 155 of the CC if all the signs of the offences provided for therein are present [2, 3].

Following the logic of the legislator in the CCU, sexual intercourse between 16-17 and 14-15 years old will be legal, as Article 156.1 of CCU does not provide for penetration into a body of any items or genitals, only actions of touching of genitals that cause sexual arousal, teaching sexual perversion, exposing the genitals of the perpetrator or victim, imitation of sexual intercourse, inducing or forcing victims to perform certain sexual acts with each other, sexual intercourse, acts of onanism in the presence of a child [2, 3].

To solve this kind of problem, I suggest changing a subject's age of corpus delicti in the Article 155.1 of CCU to sixteen years old to short the age gap. The absence of a consistent moral and logical framework raises concerns, especially concerning the legality of sexual intercourse between minors of different age groups. Clearer definitions and alignment with moral principles are necessary to address these inconsistencies and ensure effective regulation of sexual integrity and freedom within Ukrainian law.

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