THE GENERIC OBJECT OF THE CRIME UNDER ART. 397 OF CRIMINAL CODE OF UKRAINE

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Problem formulation. The issues regarding the interference with activity of a defense attorney or legal agent play an essential role in the theory and practice of Criminal Law.

The analysis of the recent studies and publications. The problems of the generic object of the crime under Art. 397 of Criminal Code of Ukraine have been fragmentarily researched by the following scientists: V.I. Tiutiuhin, M.I. Melnyk, M.I. Havronyuk, O.O. Dudorov et al. Yet, these issues have not been properly resolved.

The objective of this article is to investigate the generic object of the crime under Art. 397 of Criminal Code of Ukraine.

The main results of the study. Until 2001 there were no Criminal Law norms regarding the interference with activity of a defense attorney or legal agent, or violation of legal guaranties of their activity and professional secrets in the Ukrainian legislation on the criminal liability. Therefore, the theory of Criminal Law did not establish uniform approaches to the definition of the object of the aforementioned crime.

In accordance with the traditional approach of a Criminal Law theory and the Criminal Law of the CIS countries, we will start the legal analysis of the norms under Art. 397 of Criminal Code of Ukraine from the investigation of the generic object of the offence, as it determines the criminalization of a socially dangerous conduct. The object also serves as the basic criteria of the qualification of the crime [1, p. 62-63]. Each crime violates a certain object, causes a substantial harm, or places these social relations in jeopardy of causing damage [2, p. 52; 2, p. 302]. Therefore, it should be stated, that the criminal conduct is impossible without the object against which it is directed.

The doctrine of the object of a crime is one of the most important and rather difficult issues in the science of Criminal Law. The Criminal Law doctrine includes a wide variety of different approaches to understanding of the object of a crime. It should be noted, that V.K. Grischuk points out the most common historical concepts of the object of a crime in the Criminal Law theory as follows: 1) the object of a crime is a subjective right (V.D. Spasovych); 2) the object of a crime is protected interest (Rudolf von Jhering, Friedrich List, B. Nikiforov); 3) the object of a crime is goods and interests protected by law (legal interests) (A. N. Kruhlevskyi, G.V. Kolokolov, E.Y. Nymyrovskyi); 4) the object of a crime is a safety and welfare of citizens (A.F. Kistiakivskyi); 5) the object of the crime is: a) legal norms and specific goods and interests (M.D. Serhiievskyi); b) the mediate object is broken regulation, norm and the direct object is social relation, which is a real occurrence of this regulation (I.Y. Foinitskyi); c) formally, goods and interests protected by this

norm (L.S. Bilohryts–Kotliarevskyi); d) the law in its real existence (M.S. Tahantsev); 6) the object of a crime is individuals or groups of people (P.D. Kalmykov); 7) the object of a crime is the social relations protected by Criminal Law (A.A. Piontkovskyi, Y.A. Frolov) [4, p.159-164]. We consider these positions reasonable.

Interesting and, in our opinion, understandable compilation of the most common modern concepts of the object of a crime in the theory of Criminal Law has been made by professor V.K. Grischuk: 1) the object of a crime is social relations protected by Criminal Law (V.Y. Tatsii, M.Y. Korzhanskyi, M.I. Bazhanov, A.V. Savchenko, B.O. Kyrys, V.O. Navrotskyi, N.O. Hutorova, Y.L. Shevtsovet et al.); 2) the object of a crime is social goods (values), protected by Criminal Law (P.S. Matyshevskyi, Y.V. Fesenko, S.B. Havrysh); 3) the object of a crime is a person, regardless of the age, mental development, social status, etc. (H. P. Novoselov); 4) the object of a crime is an individual or several people (P.Y. Kozachenko, Z.A. Neznamova); 5) the object of a crime is socially important values, interests, goods protected by Criminal Law (A.V. Pashkovska, A.V. Naumov); 6) the object of a crime is the social relations, which are the appropriate rules prescribed by the legal norms, and social goods (H.V. Chebotareva); 7) the object has a dual nature – social shell is always the first object, and all the other objects are inside of that shell (V.M. Trubnikov); 8) the object of a crime is rules of social relations protected by Criminal Law (O.M. Kostenko, P.P. Andrushko, A.V. Landina); 9) the object of a crime is exceptionally valuable social relations, which are protected by Criminal Law [4, p.166].

Clearly, this approach became widespread in the theory of Criminal Law and its supporters include: V.K. Grischuk [4, p. 166], Y.M. Brainin [5, p. 70], V.M. Kudriavtsev [6, p.130], A.A. Muzyka [7, p. 25], L.V. Levytska, T.O. Mudrak, O.V. Sirenko, P.V. Tsymbal [8, p. 18], A.V. Savchenko, V.V. Kuznietsov and O.V. Shtanko [9, p. 79], V.K. Matviichuk [10, p. 21].

Apart from the aforementioned modern conceptions of the object of a crime, there are others as well. In particular, S.Y. Lykhova [11, p. 79], Y.M. Zhmur [12, p. 3] support and develop the concept, where the object of a crime is legal relations.

By contrast V.P. Yemelianov argues that the object of a crime is particular areas of human activity protected by Criminal Law, which play the role of the direct objects of crimes as real phenomena [13, p. 214-215].

It should be noted that legal literature also offers another chronology and classification of the concepts of the object of a crime. In particular, the history of the development of a doctrine of the object of a crime can be divided into several stages. The first stage (second half of XIX – early XX century) is characterized by existence of different concepts, which include so-called theories of subjective rights, legal norms and goods [14, p. 325]. The second stage of the development of a doctrine of the object of a crime is the period of the domination of the Marx-Lenin doctrine in Ukraine, which led the domestic Criminal Law science to the thesis: "The object of a crime is social relations only" [14, p. 325]. The third stage represents the modern concepts of the object of a crime. At this stage criminally-legal theory does not declare the unity of views, because both scientific and academic literature experiences the increasing influence of two basic, conceptual approaches

to the interpretation of the concept of the object of a crime [14, p. 336]. First approach, which has a lot of supporters, is focused on solving the issue of the object of a crime in a way that had been used in a Soviet science, namely, by considering the social relations to be the object of a crime [14, p. 337].

Over the past decade a lot of the supporters of the second approach have appeared. All of them share the critical attitude to the idea of social relations being one and only object of a crime [14, p. 337].

It is notable that P.P. Andrushko made some remarks on the V.K. Grischuk's generalization of the concept of the object of a crime. He clarifies his views regarding the object of a crime by stating that the social values is the object of a crime, while the rules of social relations (relationship) between the subjects he considers to be a form of social links between the subjects, which are one of the types of social values protected by Criminal Law [15, p. 5]. Additionally, P. P. Andrushko notes that S.B. Havrysh upholds the concept of legal goods as the object of a crime, instead of the social goods (values), protected by Criminal Law, as the object of a crime [15, p. 5-7].

The investigation of the issues of the object of a crime in general is not a subject matter of this dissertation, therefore, avoiding the detailed analysis of each of the mentioned conceptions of the object of a crime and considering the chronology, we agree with the researchers, who consider the object of a crime from the standpoint of the theory of social relations. This theory is represented by V.Y. Tatsii, V.K. Grischuk. V.K. Matviichuk. A.A. Muzyka, M.Y. Korzhanskyi, V.O. Navrotskyi, M.I. Karpenko, I.O. Khar et al.

By means of three-stage classification of the objects of a crime, which we support, the place of the norm under consideration (Art. 397 of Criminal Code of Ukraine) in the system of the Special Part of Criminal Code of Ukraine and its value will be defined; also precise qualification of this conduct will be done. That will be possible only if the generic and direct objects of the crime under Art. 397 of Criminal Code of Ukraine are properly determined. This classification is based on the correlation between the philosophical categories: "general", "special" and "individual" and, thus, includes three levels: general, generic and direct [6, p. 81-82; 16, p. 124-125; 17, p. 60-62; 18, p. 56-57]. Such a three-stage classification of the objects of a crime is supported by the vast majority of the researchers in the field of Criminal Law. According to this classification, from the viewpoint of the supporters of the conception, the object of a crime is social relations, placed under the protection of Criminal Law, the general object is the whole complex of social relations, placed under the protection of Criminal Law, the generic object is the group of social relations, which are identical or similar by their nature, the direct object is particular social relations, which are protected by the norm of a Criminal Law.

The nature of the generic object of the crimes related to justice, which include the relations that get violated by the conduct under Art. 397 of Criminal Code of Ukraine, is described by the following statements: 1) it is the relations that provide: a) normal operation of inquiry, investigation and prosecution agencies in the field of criminal justice; b) normal operation of the court that administers justice in a criminal and civil cases; c) normal operation of the bodies that provide the

enforcement of the court decisions, sentences and imposed punishments [19, p. 309]; 2) it is the relations which are related to the interests of justice, personal and social values, protected by certain clauses of Sections 2 and 8 of the Constitution, as well as separate articles of Criminal and Criminal Procedural Codes of Ukraine [20, p. 591]; 3) it is the relations connected with administering justice in accordance with the legislation and other normative acts by the inquiry, pre-trial investigation and prosecution agencies, court and institutions which enforce sentences, court decisions, rulings[21, p. 454]; 4) it is the relations that ensure normal operation of the court and the prosecution, inquiry, pre-trial investigation agencies, and institutions which enforce court decisions (in a broad sense, including sentences and the other court rulings) related to achieving the goals and objectives of justice [3, p. 442]; 5) it is the social relations that ensure normal functioning of the inquiry, pre-trial investigation and prosecution agencies, courts, and institutions which enforce sentences, court decisions, rulings [22, p. 580]; 6) it is the relations regarding the performance of public authority [23, p. 22]; 7) it is the relations that ensure the realization of the interests of justice and the interests of individuals [24, p. 20]; 8) it is the relations regarding administering justice in accordance with the procedure, goals and objectives prescribed by law [25, p. 90]; 9) it is the relations that ensure normal functioning of the institutions of justice [26, p. 17]; 10) it is the interests of socialistic justice, which include the interests of the direct administration of justice by courts as well as the functioning of the institutions that contribute to the achieving the goals of justice [27, p. 5]; 11) it is the relations regarding the proper performance of the goals and objectives of justice by courts, and institutions which contribute to that [28, p.7]; 12) it is the relations regarding proper administration of justice solely by courts, excluding the activity of the inquiry and pre-trial investigation agencies [29, p. 18]; 13) it is the relations regarding the meeting objectives and achieving goals of justice by courts, and the proper activity of the institutions, which contribute to that (namely, inquiry, pre-trial investigation agencies and institutions that provide the enforcement of court decisions in civil and criminal cases) [30, p. 90-91]; 14) it is the relations related to proper and lawful functioning of courts, prosecution and pre-trial investigation services, and also the functioning of the correctional labor institutions [31, p. 324]; 15) it is the relations regarding the proper functioning of the institutions of justice (herewith, by the institutions of justice the law means not only the court, but also institutions that accompany the court in the objective and comprehensive deciding cases, and, therefore, contribute to the administration of justice) [32, p. 399]; 16) it is the relations connected with the legally regulated administration of justice by courts, and with the assistance in such activity provided by inquiry, pre-trial investigation and prosecution agencies, defense attorneys, legal agents, and institutions that enforce court decisions [33, p. 572]; 17) it is the relations connected with not only courts, but also the other bodies and individuals that support the functioning of the courts regarding administering of justice and which include inquiry, pre-trial investigation, prosecution agencies, institutions that enforce court decisions (sentences, rulings), advocates, etc. [34, p. 506]; 18) it is the relations regarding the proper functioning of the institutions of justice, in a strict accordance with law [35, p.779]; 19) it is the

relations that provide proper, legally regulated, functioning of the court and institutions that support it in a meeting of the objectives and goals of administering justice [36, p. 7].

All of the aforementioned viewpoints regarding the object of crimes against justice are slightly contradictive or, in some cases, do not cover the whole range of relations in the studied sphere, or lead to the confusing of the object of a crime (social relations) with the subject matter of a crime or with legal relations, and, sometimes, they are regard to the conduct, activity or certain condition etc. Firstly, it is due to a fact, that authors do not try to study the inner side and the content of the relations, which are the object of certain types of crimes against justice, to determine their interrelations with the similar groups of social relations. Secondly, it is due to an absence of the unified comprehension of justice as the object of the criminally-legal protection. Thirdly, the subject matter of the relations as the element of the object of a crime is understood differently. And finally, the authors interpret the provisions of the Constitution and current legislation incorrectly, by ignoring the scientific approach to the investigation and interpretation of certain phenomena, which are in the field of our study.

We will return to the mentioned statement after analyzing the viewpoints on the definition of the generic object of crimes against justice. The first definition (M.I. Bazhanov) is limited to administering justice in criminal and civil cases, normal functioning of the inquiry, investigation, prosecution agencies and institutions that enforce court decisions, sentences, hence, do not cover all the relations under Chapter XVIII of Criminal Code of Ukraine. The second definition (Y.V. Fesenko) unreasonably diverts us from the social relations to the interests of justice and social values. The third definition (Y.V. Aleksandrov) contains a reasonable statement, which is related to the procedure of the administration of justice regulated by current legislation and other normative acts. However, it also slightly limits the list of social relations that are regard to justice (institutions which enforce sentences, court decisions, rulings). The fourth definition (A.V. Naumov) is similar to the previous ones, but it is supplemented by achieving the goals and objectives of justice. The same drawbacks appear in the fifth definition (O.A. Chumakov). However, unlike the previous ones, which refer to the "normal operation" of these subjects, this one focuses on "the normal functioning of them". The sixth definition (A.V. Halakhova) is overly comprehensive and lies beyond the group of relations regarding justice. The seventh definition (Y.M. Kulberh) is regard to interests of justice and interests of individuals, instead of the social relations in this sphere. The eighth definition (I.S. Vlasov) is close to the definition of the generic object, offered by Y.V. Aleksandrov. The ninth definition (M.N. Holodniuk) limits the social relations that are regard to the analyzed sphere to the normal functioning of the institutions of justice. The tenth definition (V.S. Feldblium) is also related to the interests, instead of the social relations, and that contradicts with the conception that we prefer. The eleventh definition (S.S. Rashkovska) also does not cover all of the social relations related to the analyzed sphere (limited to the institutions of justice and those who contribute to them). The twelfth definition (T.N. Dobrovolska) is even narrower, because it mentions only courts, inquiry agency and pre-trial inves-

tigation. The thirteenth definition (the authors of the "Soviet Criminal Law" textbook under the editorship of A.A. Pyontkovskyi) almost matches with the definition by M.I. Bazhanov, but has a certain verbal interpretation. The fourteenth definition (V.D. Pakunyn) groundlessly limits the social relations regarding justice to the institutions of justice. The fifteenth definition (V.A. Vladymyrov) is also regard to the normal operation of the institutions of justice. The most comprehensive definitions of the mentioned object of a crime are sixteenth (Y.V. Aleksandrov) and seventeenth (V.I. Tiutiuhin, I.V. Samoshchenko, V.A. Kozak), and also nineteenth (V.I. Tiutiuhin, V.I. Borysov, Y.V. Hrodetskyi, V.A. Kozak, R.S. Orlovskyi, O.Y. Radutnyi, Y.V. Shevchenko) as they cover the institutions of justice and other bodies and individuals that support the administering of justice. The eighteenth definition (O.A. Chumakov) limits the sphere of justice to the institutions of justice as well.

In order to determine the generic object of crimes against justice we will appeal to its' structure: 1) the subjects or participants of social relations; 2) the social communication (socially important activity) as the content of relations; 3) the subject matter of relations. The subjects of social relations in the field of justice, against whom the criminal conduct is directed, are: the participants of proceedings (suspects, defendants, convicted, witnesses, victims, experts, translators, appraisers, defense attorneys, legal agents, etc.), public authorities (the court, the pre-trial investigation agency, temporary investigative or special temporary commissions of the Verkhovna Rada of Ukraine, bodies and institutions for serving the punishments), and their representatives (judges, investigators, officers of the state executive service, etc.). It can be both natural and juridical persons. In order to meet the objectives of the criminal litigation it is necessary not only to identify the individuals who committed a crime and bring them to justice, but also to defend the judges, investigators, witnesses, victims and other participants of criminal proceedings from the violation of the relations, that ensure their life, health, property, and also to defend them from the unlawful influence aimed on interfering justice. That also applies to all of the common courts, specialized courts (i.e. judges, witnesses, experts, translators, etc.).

The studying of the social function of the subject of relations, i.e. its rights and obligations (status), has a certain value, because identifying the subject of relations helps to determine the content of the relations themselves, gives an opportunity to assess their character, the scope of those relations and the limits of law. Thus, making a certain list of the subjects of social relations (i.e. the object of crimes against justice) is not necessary. It is only important to understand that they can vary, and, in one way or another, influence the content of the relations and the limits of criminal liability. That is confirmed by judicial practice: the courts properly qualified the conduct only when they had identified the subject of the relations, their social status (role) in the social relations.

In the context of the investigation of the structure of the object of crimes against justice, understanding of the content of this relations, the subject matter of the relations is of great importance [37, p. 79]. It is reasonable to claim, that the subject matter of relations is the reason why the certain relations exist, and the mat-

ter toward which these relations are directed. It should be noted, that the subject matter of relations should not be confused with a material object; it cannot be touched or moved, because it is solely relations. Thus, the subject matter of crimes against justice is the circumstances that ensure order or security. That will be specified during the determination of the direct object of a crime under Art. 397 of Criminal Code of Ukraine.

Such approach to the study shoves that we are interested not in any social communication, but in the communication limited to protection of the relations in the sphere of justice. The communication can exist in a form of an activity – the providing a right to defense, the providing of legal assistance, the upholding of the statutory guarantees of the activity of the defense attorney or legal agent etc. In some cases, a social communication, as well as social relations, can occur not only in a form of an activity, but also in a passive form [37, p. 80].

It should be mentioned, that justice is a broader concept than "judiciary" and "criminal proceedings", because justice covers the activity of any court, and additionally the pre-trial investigation, prosecution agencies, the institutions that enforce court decisions, sentences, rulings, the bodies and individuals that support the functioning of courts regarding administering of justice [38, p. 29–30].

From the entire complex of the activities of the bodies involved in administering justice, we should highlight only the functions that provide the achieving the objectives of justice and select them from the wide variety of the activities of the investigative and other bodies [30, p. 320]. Thus, not all social relations that appear from the functioning of the pre-trial investigation, prosecution agencies, courts and institutions that enforce court decisions, sentences, rulings, are subject to Criminal Law protection, but only those that appear in progress of completing by these bodies and individuals the special tasks of justice. Additionally, it should be clear, that not all of the committed crimes that violate the normal operation of the courts and other law enforcement agencies are crimes against justice [39, p. 14]. The norms we consider, protect from the violation only those forms of justice that are related to special activity of the institutions of justice, i. e. the functions which distinguish the investigative agencies, courts, prisons from the other public authorities and can be defined as proper activity regarding solving the issues of achieving the purpose of justice [39, p. 14–15]. In this respect, it should be noted, that the Article 125 of the Constitution of Ukraine of 1996 stipulates, that justice in Ukraine is administered exclusively by the courts, however, the Main Law does not provide the definition of the term "justice"; this provision does not match the name and the content of the Chapter XVIII of Criminal Code of Ukraine [40, p. 58].

The scientific literature provides the following definition of justice and its characteristics: the law enforcement activity of the court, related to resolving of civil, commercial, criminal and administrative cases assigned to their competence in a procedure established by law, in order to protect the rights and freedoms of a person and citizen, rights and legitimate interests of judicial persons, and the interests of the state [33, p. 514].

Regarding the commissions of the Verkhovna Rada of Ukraine, officials (except the President of Ukraine and the defender (defenders) of his rights), civil

servants, experts, and other persons, invited by a special temporary commission, get warned in written about the liability for a refusal of a witness to testify, or an expert or translator to perform their duties during investigation by a special temporary commission, and also for giving a knowingly false testimony, knowingly false opinion presented by an expert, knowingly false translation made by a translator (Articles 384, 385 of Criminal Code of Ukraine).

In case officials (except the President of Ukraine and the defender (defenders) of his rights), civil servants, experts, and other persons, invited by a special temporary commission commit the conduct under Part 4 Article 169 of the Rules of Procedure of the Verkhovna Rada of Ukraine, special investigative commission forwards any relevant materials to the prosecution agencies to initiate a criminal proceedings. But in should be noted, that temporary commissions, which are currently created in the parliament, are half-legal. They operate outside of the legal field, because the procedure of their functioning, pursuant to the Constitution, shall be established by law, however, there is no such law. The Law of Ukraine "On temporary investigative commissions, special temporary investigative commission and temporary special commissions of the Verkhovna Rada of Ukraine" N 890 – VI (890–17) [41] adopted by Verkhovna Rada of Ukraine on January 15, 2009 (Holos Ukrainy, 2009, March 21) was vetoed by the President of Ukraine because the certain provisions thereof were repugnant to the Constitution. Particularly, we find controversial the provisions regarding the obligation of the officials, civil servants, local government authorities, managers of enterprises, institutions and organizations, community associations and individuals to testify in front of the temporary investigative commission, including the criminal liability for refusal to testify in front of the temporary investigative commission. By this means, the temporary investigative commission is given the authority that, according to the current Ukrainian legislation, belongs to the pre-trial investigation agencies and courts. Additionally, the Constitutional Court of Ukraine decided to recognize as repugnant to the Constitution of Ukraine (254 к / 96 – ВР) (unconstitutional) the Law of Ukraine "On temporary investigative commissions, special temporary investigative commission and temporary special commissions of the Verkhovna Rada of Ukraine" N 890 – VI (890–17) dated January 15, 2009, because the re-adoption of the law, after it was vetoed, requires the new law, dated from its re-adoption day, to be promulgated and published. Stating of a different date in a re-adopted and published law is a violation of the constitutional procedure of enactment thereof.

At this stage of development of our country it is of great importance to adopt the law on the temporary investigative commissions, special temporary investigative commissions and temporary special commissions and to ensure their legal force. Since the commissions do not administrate justice, it is incorrect to charge the ones who interfere with its activity by giving a knowingly false testimony, opinions or translations with a crime under Art. 384 of Criminal Code of Ukraine, which is located in the Chapter "Crimes against justice".

V. O. Navrotskyi believes that the Constitutional Court of Ukraine does not administer justice, thus, interference with its activity (delivery of a knowingly unfair decision, giving a knowingly false testimony, etc.) is not covered by the pro-

visions of the Chapter "Crimes against justice" of Criminal Code of Ukraine [42, p. 8]. The analysis of the Law of Ukraine "On the Constitutional Court of Ukraine" dated October 16, 1996 leads to the same conclusion [43, p. 1–19]. The provisions of that law state that the Constitutional Court of Ukraine is the sole body of constitutional jurisdiction in Ukraine and its task is to guarantee the supremacy of the Constitution of Ukraine [43, p. 8]. However, despite the fact that the Constitutional Court of Ukraine does not consider and resolve individual cases, which is typical for the other branches of the judiciary, the proceedings in the Constitutional Court of Ukraine is regulated not by general, but by special rules, prescribed in the Law "On the Constitutional Court of Ukraine". Thus, the judiciary is conducted by the Constitutional Court of Ukraine and the courts of general jurisdiction [44, p. 9]. That is confirmed by the provisions of the Articles 1, 2, 5 of the Law of Ukraine "On the Judiciary and the Status of Judges" [45].

Therefore, justice should be defined solely as operation of the courts within their authority based on the rule of law, that ensure everyone's right to a fair trial and respect for other rights and basic freedoms guaranteed by the Constitution and laws of Ukraine, as well as international treaties recognized as binding by the Verkhovna Rada of Ukraine. By contrast, the Chapter XVIII of Criminal Code of Ukraine named "Crimes against justice" includes: 1) administering justice in the form of civil, commercial or criminal proceedings (regulated by the Codes of civil, commercial and criminal procedure of Ukraine); 2) administering justice in the form of administrative proceedings (regulated by the Code of Administrative Procedure of Ukraine); 3) the operation of the bodies and officials, regarding the enforcement of the decisions of a court and other bodies (officials), that is based on and lays within their authority, prescribed by laws and other normative acts, adopted in accordance with law on the executive proceedings and with Criminal Executive Code of Ukraine etc.; 4) the activity of a defense attorney or legal agent; 5) the law enforcing activity, aimed to the realization of the legal norms in a specific life situations; 6) the activity of the law enforcement agencies and their officials (inquiry, pre-trial investigation, prosecution); 7) the defense of legitimate rights and interests of citizens, state during the judiciary, inquiry, pre-trial investigation and enforcement of court decisions.

The conclusions. Considering the aforementioned, the name of the chapter is narrower than the content of the Chapter XVIII of Criminal Code of Ukraine. Therefore, the generic object of the crimes under that chapter is social relations regarding the circumstances (relations), that provide the regulated by the legislation and other normative acts activity: of the courts regarding the administration of justice; of inquiry, pre-trial investigation, prosecution agencies; of institutions that enforce court decisions; of individuals that provide complete, comprehensive and objective solving of cases for the courts and pre-trial agencies; regarding the defense of the legitimate rights and interests of the citizens, society, state during court proceedings, pre-trial investigation and enforcement of court decisions, legal defense and agency. This definition of the generic object of crimes against justice (including the analyzed corpus delicti) is caused by the current legislation that established the limits of Criminal Law liability for studied relations.

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Moroz A.O. The generic object of the crime under Art. 397 of Criminal Code of Ukraine

The article raises the questions on the generic object of the interference with activity of a defense attorney or legal agent, and argues that this issue is essential to the theory of Criminal Law and practice.

Keywords: *the generic object, social relations, the crime, the interference with activity of a defense attorney or legal agent, the concept of the object of a crime.*

Мороз А.О. Родовой объект преступления, предусмотренного ст. 397 УК Украины

В статье поднимается вопросы о родовом объекте интерференции с деятельностью защитника или законного агента, и утверждает, что этот вопрос имеет большое значение для теории уголовного права и практики.

Ключевые слова: *родовой объект, социальные отношения, преступность, вмешательство в деятельность защитника или законного агента, концепции объекта преступления.*

Мороз А.А. Родовий об'єкт злочину, передбаченого ст. 397 КК України

У статті піднімається питання про родовий об'єкт інтерференції з діяльністю захисника чи законного агента, і стверджує, що це питання має величезне значення для теорії кримінального права та практики.

Ключові слова: *родовий об'єкт, соціальні відносини, злочинність, втручання в діяльність захисника чи законного агента, концепції об'єкта злочину.*

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