

---

**ЮРИДИЧНА НАУКА**  
**JURIDICAL SCIENCE**

НАУКОВИЙ ЮРИДИЧНИЙ ЖУРНАЛ  
№ 7(61)/2016

---

**ЗМІСТ**

**ФІЛОСОФІЯ, ПСИХОЛОГІЯ, ЛОГІКА І СОЦІОЛОГІЯ ПРАВА**

- Десяtnик В.О.* Проблема емпіричного базису наукових теорій ..... 4

**ЦИВІЛЬНЕ ПРАВО**

- Матвійчук А.О.* Сучасний стан нормативно-правового регулювання особистих немайнових прав у сфері охорони навколошнього природного середовища в зарубіжних країнах ..... 12

**КРИМІНАЛЬНЕ ПРАВО**

- Ковальова Т.І.* Поняття чинності закону про кримінальну відповіальність у просторі в українському законодавстві і праві ..... 25

- Матвійчук В.К.* Теоретичні і прикладні проблеми відмежування злочину, передбаченого ст. 242 КК України, від суміжних злочинів і аналогічного адміністративного правопорушення ..... 48

- Олійник В.П.* Об'єктивна сторона злочину, передбаченого ч. 1 ст. 243 КК України ..... 60

- Сервецький І.В.* Деякі проблеми кримінальної відповіальності за шпигунство ..... 75

- Соловйова А.М.* Деякі аспекти кримінально-правової охорони власності в країнах Балтії (Латвія, Литва і Естонія) ..... 86

- Хар' І.О.* Теоретичні і прикладні проблеми суб'єкта злочинів проти волі, честі та гідності особи за КК України ..... 92

**КРИМІНАЛЬНЕ ПРОЦЕСУАЛЬНЕ ПРАВО**

- Наголова І. Ю.* Доказування подій кримінального правопорушення під час проведення слідчих (розшукових) дій ..... 117

# ЮРИДИЧЕСКАЯ НАУКА

## JURIDICAL SCIENCE

НАУЧНЫЙ ЮРИДИЧЕСКИЙ ЖУРНАЛ  
№ 7(61)/2016

---

### СОДЕРЖАНИЕ

#### ФИЛОСОФИЯ, ПСИХОЛОГИЯ, ЛОГИКА И СОЦИОЛОГИЯ ПРАВА

- Десятник В.А.* Проблема эмпирического базиса научных теорий ..... 4

#### ГРАЖДАНСКОЕ ПРАВО

- Матвеичук А.А.* Современное состояние нормативно-правового регулирования личных неимущественных прав в сфере охраны окружающей природной среды в зарубежных странах ..... 12

#### УГОЛОВНОЕ ПРАВО

- Ковалева Т. И.* Понятие действия закона об уголовной ответственности в пространстве в украинском законодательстве и праве ..... 25

- Матвеичук В.К.* Теоретические и прикладные проблемы ограничения преступления, предусмотренного ст. 242 УК Украины, от смежных преступлений и аналогичного административного правонарушения ..... 48

- Олейник В.П.* Объективная сторона преступления, предусмотренного ч. 1 ст. 243 УК Украины ..... 60

- Сервецкий И.В.* Некоторые проблемы уголовной ответственности за шпионаж ..... 75

- Соловьева А.Н.* Некоторые аспекты уголовно-правовой охраны собственности в странах Балтии (Латвия, Литва и Эстония) ..... 86

- Хар' И.А.* Теоретические и прикладные проблемы субъекта преступлений против свободы, чести и достоинства личности по УК Украины ..... 92

#### УГОЛОВНОЕ ПРОЦЕССУАЛЬНОЕ ПРАВО

- Наголова И.Ю.* Доказывание события уголовного правонарушения при производстве следственных (розыскных) действий ..... 117

---

# JURIDICAL SCIENCE

---

SCIENTIFIC JURIDICAL JOURNAL  
№ 7(61)/2016

---

## CONTENTS

### PHILOSOPHY, PSYCHOLOGY, LOGICS AND SOCIOLOGY OF LAW

- Desiatnyk V.* The problem of the empirical basis of scientific theories ..... 4

### CIVIL LAW

- Matviichuk A.* Contemporary State of Statutory Regulation of Personal Non-Property Rights in the Sphere of Natural Environmental Protection in Foreign Countries ..... 12

### CRIMINAL LAW

- Kovalova T.* The concept of the enactment on criminal liability in the space in the Ukrainian legislation and law ..... 25

- Matviychuk V.* Theoretical and applied problems distinguishing crime under Art. 242 of the Criminal Code of Ukraine and related crimes and similar administrative offense ..... 48

- Oleiinik V.* Actus Reus of a Crime, Stated in the Par. 243 of The CC of Ukraine ..... 60

- Servetsky I.* Some problems of criminal liability for espionage ..... 75

- Soloviova A.* Some aspects of criminal-legal protection of property in Baltic countries (Latvia, Lithuania and Estonia) ..... 86

- Khar I.* Theoretical and applied problems of the committer of crimes against freedom, honor and dignity of person under the Criminal Code of Ukraine ..... 92

### CRIMINAL PROCEDURAL LAW

- Nagolova I.* The proof of event of a criminal offense during the investigation (search) action ..... 117

## INSTRUCTIONS TO AUTHORS OF THE «JURIDICAL SCIENCE» JOURNAL NEW REQUIREMENTS FOR ARTICLES

Articles sent to the Editor of «Juridical science», according to the Presidium of the Higher Attestation Commission of Ukraine decree №7D05/1 dated January 15, 2003 «On increasing demands for specialized issues listed in HAC of Ukraine» should include the following:

- A scientific article should be relevant, with clearly defined problematic issues, include scientific positions developed by the author, the conclusions of scientific and practical importance of scientific work; including determination of UDC.

- The paper should include the following elements:
  - a problem and its relation to important scientific and practical tasks;
  - analysis of recent researches and publications on the issue to be considered;
  - definition of specific issues that are not solved in the problem for research chosen;
  - formulation of the objectives of the article;
  - summary of the main conclusions of the study;
  - conclusions of this study;
  - in the article should be no less than 15 references;
  - internal structure – sections with names or selected parts.

Name, surname and title of the article in addition to the Ukrainian language should be also in English.

- References to this or that research should be placed in brackets according to the number of mentioning in the list of references with indication of appropriate page ([3, p. 12]).

A list of sources at the end of the article are compiled in accordance with International Standard of Ukraine DSTU GOST 7.1:2006 «A System of Standards on Information, Librarianship and publishing. A Bibliographic Notation. A Bibliographic Description. General Requirements and Rules of Composition». Also in the source list has to be at least 5 English language references.

- After the references are added abstracts and keywords in three languages (Ukrainian, Russian and English).

- Abstracts should include: an author's name, a title of the article in (Ukrainian, Russian and English) languages. The authors should pay attention that there should be an abstract in English and half a page A-4 (in a separate file).

- The English text should be executed at the professional level of language proficiency. In the case of a text translated, for example, through the Internet Translator (Google, etc.), or unprofessional, the article will not be accepted for publication.

The article and the abstract should be named:

1. issue number should be placed before the name (11, 4, 7, etc.);
2. after the number of issue you should place 2 last figures of the year (14, 15, etc.);
3. underscores (\_), then the type of document note – abstract topic – Article;
4. after the title of the articles, underscores (which separate code with the author's name) you should place the author's last name, name in English and initials.

Example: 11.14\_note\_Olenenko A.doc (where «note» – markS annotations) or 11.14\_topic \_ Olenenko A.doc. (Where the topic – refer to the article).

- Publication (title, information about author, text, references, abstract, and keywords) should not exceed 20-30 000 signs.

Additions to the scientific article:

- An electronic version of the article in a format MS Word (docx or doc);
- Information about the author in Ukrainian and English (surname, first name, middle name (in full), academic degree, academic status, place of work and position, mailing address, telephone number);
- A statement signed by the author (s) that sent the article is had been not printed and have not given to any other editions;

- a photo of the author (s) in the format jpg, tif;
- Qualitative illustrative materials supplied by a name and number suitable for scanning;
- Extract from the minutes of the Department with recommendation of the article for publication, duly certified (for the Articles of Ph.D., graduate students and adjunct academic degree).

- An article submitted to the editor without complying with these requirements shall not be published.

- All the authors to note: when supplying article necessarily indicate a brief information about the author, telephone and your own e-mail to ease communication with authors.

*Editors reserve the right to review, edit, and reduce decline articles.*

*For authenticity of the article the author is responsible for.*

*The royalties are not paid for the publication.*

*Reprints of published materials in the journal are made only with the permission of the author and the publisher.*

*Available materials are not returned.*

**Higher education institution «National Academy of Management»**

**SCIENTIFIC JOURNAL OF LAW**

«Juridical science»

03151, Kyiv, Vinnytska street, 10

Tel. (044)246-24-34