UDC 347.7:340.5
DOI https://doi.org/10.32782/2524-0374/2024-12/74

LEGAL FRAMEWORK FOR PROPERTY PROTECTION IN UKRAINE DURING WARTIME: HARMONIZATION OF CRIMINAL LEGISLATION

ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ ЗАХИСТУ ВЛАСНОСТІ В УКРАЇНІ В УМОВАХ ВІЙНИ: ГАРМОНІЗАЦІЯ КРИМІНАЛЬНО-ПРАВОВИХ НОРМ

Soloviova A.M., Doctor of Law,
Jean Monnet Fellow of Robert Shuman Centre
European University Institute, Florence, Italy

"Keep fighting – you are sure to win!
God helps you in your fight!
For fame and freedom march with you,
And right is on your side!"
Taras Shevchenko, The Caucasus, 1845 [1]

The article examines the legal protection of property rights in Ukraine under martial law, in particular the harmonization of criminal law norms with European standards. Changes in Ukrainian legislation aimed at strengthening liability for crimes against property during wartime and their compliance with European Union norms are analyzed. Particular attention is paid to the problems that arise in the process of adapting national legislation to European requirements, as well as the challenges associated with ensuring effective protection of property rights in armed conflict. International regulatory acts and their influence on the formation of Ukrainian legislation in the field of property rights protection are also analyzed. The legislation of the European Union does not establish a single criminal code for member states, since criminal law remains within the competence of national governments. However, the EU has a number of regulatory acts that harmonize approaches to criminal liability for crimes against property. The article pays special attention to the norms of the criminal legislation of France and Italy. It is concluded that the legislation and doctrine of criminal law of the countries of the Romance group lack the concept of criminal offenses against property. The object of criminal offenses against property is established (as in the Criminal Code of Ukraine) based on the analysis of the names of the sections where the norms of criminal liability for crimes and misdemeanors against property are placed. Unlike the Ukrainian legislator, according to the Criminal Code of Italy, theft is both secret and open removal of someone else's property from someone else's possession, but without the use of violence or the threat of such violence. In the French, Belgian and Dutch doctrine of criminal law, scientists pay considerable attention to the study of dematerialization of the subject of criminal offenses against property. Based on the analysis, recommendations are offered for improving the criminal law norms of Ukraine in order to increase the effectiveness of property rights protection and ensure their compliance with European standards.

Key words: criminal law, property, comparative law research, harmonization, criminal law norm, criminal offense.

У статті досліджено правове забезпечення захисту права власності в Україні в умовах воєнного стану, зокрема гармонізацію кримінально-правових норм із європейськими стандартами. Аналізуються зміни в українському законодавстві, спрямовані на посилення відповідальності за злочини проти власності під час війни, та їх відповідність нормам Європейського Союзу. Особлива увага приділяється проблемам, що виникають у процесі адаптації національного законодавства до європейських вимог, а також викликам, пов'язаним із забезпеченням ефективного захисту права власності в умовах збройного конфлікту. Також аналізуються міжнародні нормативні акти та їх вплив на формування українського законодавства у сфері захисту права власності. Законодавство Європейського Союзу не встановлює єдиного кримінального кодексу для країн-членів, оскільки кримінальне право залишається у компетенції національних урядів. Однак ЄС має ряд нормативних актів, які гармонізують підходи до кримінальної відповідальності за злочини проти власності. Особлива увага в статті приділена нормам кримінального законодавства Франції та Італії. Зроблено висновок, що в законодавстві та доктрині кримінального права країн романської групи відсутнє поняття кримінальних правопорушень проти власності. Об'єкт кримінальних правопорушень проти власності встановлюємо (так само як і за КК України), на основі аналізу назв розділів, де розміщено норми щодо кримінальної відповідальності за злочини і проступки проти власності. На відміну від українського законодавця за КК Італії крадіжкою є як таємне, так і відкрите вилучення чужого майна з чужого володіння, але без застосування насильства або погрози застосування такого насильства. У французькій, бельгійській та голландській доктрині кримінального права вчені значну увагу приділяють дослідженню дематеріалізації предмету кримінальних правопорушень проти власності. На основі проведеного аналізу пропонуються рекомендації щодо вдосконалення кримінально-правових норм України з метою підвищення ефективності захисту права власності та забезпечення їх відповідності європейським стандартам.

Ключові слова: кримінальне право, власність, порівняльно-правове дослідження, гармонізація, кримінально-правова норма, кримінальне правопорушення.

The continental law family at the beginning of the 19th century played a leading role in the process of criminal law codification thanks to two legal monuments – the French Criminal Code of 1810 and the Bavarian Criminal Code of 1813. Both sources were based on the ideas of the classical school of criminal law. These two codes became certain models for the entire continental law family. The French legal system belongs to the matrix legal orders of the modern legal world.

The French Criminal Code uses only the terms "theft" and "extortion" to establish criminal liability for trespassing on property [2]. A similar approach of the Belgian legislator. The Belgian Criminal Code has a structure of the Criminal Code quite similar to that of France. The Belgian Criminal Code generally uses only one concept of "theft". It should be noted that foreign legislation, in general, is characterized by the use of the term "theft" as a generic concept to designate several types of crimes against property. The same approach is taken in the Criminal Code of the Netherlands.

The French Criminal Code of 1992 is distinguished by a large number of normative definitions: theft is "the fraudulent taking of another person's thing" (Le vol est la soustraction frauduleuse de la chose d'autrui) (Art. 311-1). A similar understanding of theft is formulated in Art. 461 of the Belgian Criminal Code. Thus, according to Art. 461 of the Belgian Criminal Code, a person who fraudulently takes something that does not belong to him may be found guilty of theft. Theft is also the taking of another person's thing for the purpose of its temporary use (usagemomentané). Unlike the Criminal Code of Ukraine, French and Belgian legislators call fraud as a mandatory sign of theft as a method of committing this crime.

Types of theft under the French Criminal Code: 1) simple theft (le vol simple);

2) aggravated theft (les volsaggravés). Compared to the previous French Criminal Code of 1810, the 1992 Criminal Code significantly changed the system of norms on criminal liability for crimes and misdemeanors against property. The 1992 French Criminal Code clearly distinguishes between different forms of such encroachments, giving a full description of their main features. The 1992 French Criminal Code formulates some differently and introduces new aggravating circumstances for encroachments on property in accordance with the main conceptual ideas of the reform. The main criteria for differentiation are: the use of violence, armament, the presence of signs of organization and the commission of an act against certain groups of victims. The punishability of attempts on most of the misdemeanors against property is established. The size of fines for misdemeanors has been significantly increased and fines for certain crimes have been introduced.

In addition, the following articles (311-5-311-10) contain a more extensive system of qualifying features of theft, namely: theft with the use of violent actions against another person, which caused his complete loss of working capacity for a period of no more than 8 days, theft with the use of violent actions against another person, which caused his complete loss of working capacity for a period of more than 8 days, theft with the use of violent actions against another person, which caused his disability or chronic illness, theft committed by an organized gang, theft committed with the use or threat of the use of weapons, or by a person who has a weapon on him, for which a permit is required or the carrying of which is prohibited; theft with the use of torture or acts of cruelty against another person, violent actions that caused his death.

And neither French legislation nor doctrine contains a definition of crimes against property. At the same time, French researchers pay considerable attention when highlighting the issue of the subject of theft, in particular, the issue of qualification of illegal seizure of intangible property. And although according to the general rule, the subject of encroachment can only be a thing, according to Art. 311-2 of the French Criminal Code of 1992, the fraudulent seizure of energy to the detriment of another person is qualified as theft.

A number of works are devoted to the issue of "dematerialization" of the subject of criminal law, including the work of Guillaume Beaussonie "Taking into account the dematerialization of property by criminal law: a contribution to the study of criminal law protection of property". In the doctrine of French criminal law, scholars adhere to the concept of expanding the material understanding of the subject of crimes against property. Thus, Pierre-Claude Lafon considers the subject as property, "a right that is not material in its essence, but which has economic value."

The approach of French judicial practice is interesting. Thus, on the one hand, the materialistic concept of the subject of theft leads to the fact that information does not act as the subject of theft. However, in the judgment of the Criminal Chamber of the French Court of Cassation of January 8, 1979, a different legal position was formulated. The actions of an employee who physically removed certain documents belonging to his employer and made photocopies for personal purposes, without the knowledge or against the will of the owner, were qualified as theft.

Therefore, it should be concluded that in the presence of a material medium of information, as well as other mandatory elements of the crime, the actions of the perpetrator should be qualified as theft.

It should be emphasized that Law No. 2014-1353 of November 13, 2014, which strengthened the provisions on combating terrorism, also amended Part 1 of Article 323-3 of the French Criminal Code. In the first paragraph of Article 323-3 of the Criminal Code, the first word: "ou" (or) is replaced by the words: "extraction, detention, reproduction, transmission". Therefore, the penalty for fraudulent entry of data into automated processing systems, extraction, detention, reproduction, transmission, deletion or fraudulent alteration of data was provided for, punishable by imprisonment for a term of five years and €150,000.

Downloading protected data without the consent of its owner indicates fraudulent removal and is therefore classified as theft (Judgment of May 20, 2015). Recently, French case law has considered the recovery of files on a computer server without transmitting the password as fraudulent appropriation and qualifies as theft.

Thus, French case law somewhat expands the traditional understanding of the material subject of theft and the above-mentioned court decisions of 2015 and 2017 are confirmation of this. According to the content of the provisions of the rules on theft, the guilty party must commit an unlawful removal, i.e. the thing must pass from the possession of the lawful owner (owner) to the possession of the guilty party, without the consent and against the will of the lawful owner (owner).

Please note that during data theft from automated information systems, the traditional removal of the stolen item "forever" does not occur, which is characteristic of the objective side of the traditional theft. The information, as a rule, remains in the automated information systems.

Judicial practice has recognized as theft actions that consist in use, that is, temporary seizure. Theft was recognized as actions related to the illegal possession of a vehicle, "even if it was abandoned later, since there is a fraudulent seizure" (Court Decision of March 3, 1959, Court Decision of February 19, 1959).

Let us pay attention to the special French approach to defining the moral element of theft. The moral element of crimes against property includes only general guilt, and the motives of the act, its goals in relation to crimes against property have no qualifying significance. "Any appropriation of another's property against the will of its owner or legal possessor indicates fraudulent removal, which is theft, regardless of the motives that prompted the perpetrator".

In its decision № 99-84522 of 14 November 2000, the Criminal Chamber of the French Court of Cassation, in relation to decision № 312 of the Court of Appeal of Aix-en-Provence, qualified the act as an act connected with the unlawful use of a "credit card number". Bernard X used the credit card number of the client Josette Y without his knowledge. The court noted that "the provisions of Article 314-1 of the Criminal Code apply to any property and not only to a tangible thing" (un bien quelconque et non pas seulement à un bien corporel). In other words, based on the position of French case law, the right of ownership of intangible property is now protected by criminal law, at least by incriminating the element of breach of trust.

Scientists note that in order to study the concept of the intangible subject of crimes against property in criminal law, it is necessary to understand the concept of property in civil law. The civil-legal understanding of property was based on the achievements of Roman law, but this does not mean that criminal law cannot have its own understanding of property.

The second chapter of the first section is devoted to various forms of extortion. According to Art. 312-1, extortion is defined as "obtaining any signature, obligation, waiver of obligation, disclosure of a secret, money, material assets or any property by force, threat of force or coercion". Extortion is punishable by seven years of imprisonment and a fine of 100,000 euros. Unlike the traditional concept of extortion under Ukrainian criminal law, where the subject of such a crime is property (property rights), the subject of encroachment under this article of the French Criminal Code is recognized as: the signature of any person (the type of document and the legal consequences of its signing are not specified), obligations (the nature of such encroachment – property or non-property – is not determined), information that constitutes a secret.

According to Article 312-2 of the French Criminal Code, extortion is punishable by ten years' imprisonment and a fine of 150,000 euros if: 1) the extortion is preceded, accompanied or followed by violence against others, resulting in total incapacity for work, but not more than eight days; 2) the extortion is carried out to the detriment of a person who is particularly vulnerable, due to their age, illness, infirmity, physical or mental disability or pregnancy, which is obvious or known to the perpetrator; 3) the extortion is committed by a person who deliberately hides all or part of their face in order not to be identified; 4) the extortion is committed in educational or training institutions, at the time of entry or exit of students or at about this time, in the vicinity of such institutions.

The Criminal Code recognizes blackmail (Le chantage) as a special type of extortion, which differs from simple extortion only in the method of commission. Blackmail is considered to be the act of obtaining a signature, commitment or waiver of a commitment, information that constitutes a secret, money, material assets or any property by threatening to expose or attribute any actions, if this is capable of causing harm to the honor and dignity of a person. Blackmail is punishable by imprisonment for a term of five years and a fine of 75,000 euros.

Thus, the method of committing blackmail is the use of mental violence. If physical violence occurs, or mental violence in the form of threats to cause harm to the physical integrity of a person, then criminal liability arises for extortion.

Chapter three of section one is devoted to fraud and similar criminal acts (Chapitre III: De l'escroquerie et des infractions voisines). The current French Criminal Code in Art. 313-1 establishes the definition of fraud (De l'escroquerie). K.V. Gorobets notes that three main changes made by the Criminal Code of 1992 to Art. 313-1 are obvious (in contrast to Art. 405 of the Criminal Code of 1810): 1. The range of alternative fraudulent methods has been expanded to four – "abuse of valid status – has been added; 2. The object of fraud has been expanded – it includes relations in the field of service provision; 3. A detailed list of the purposes of using fraudulent methods has been replaced by one purpose – "to deceive". According to the French Criminal Code, fraud should be understood as "misleading a natural or legal person and thus inducing him to cause harm to himself or third parties, to transfer money, material values or any property, to provide services or to perform an act entailing the establishment of an obligation or its release, committed by using a false name or a fraudulent capacity or by abusing a real capacity, or by using deception" (Article 313-1) [3].

Along with the general composition of fraud, the Criminal Code formulates special compositions of criminal acts similar to fraud. The French language, geographical location, historical past – all this influenced the commonality of criminal law protection of property in France, Belgium and Luxembourg. Based on the similarity of the judicial and legal systems of Luxembourg and Belgium, their linguistic and cultural commonality, the Criminal Code of France of 1810 was in force in the territory of Luxembourg and Belgium until the introduction of the Criminal Code of the Kingdom of Belgium in 1867.

In the Italian Criminal Code, crimes against property are addressed in Chapter XIII "Crimes against property" (Titolo XIII Dei delitti contro il patrimonio). Chapter one of this chapter is called "On crimes against property committed by violence against things and people" (Capo I Dei delitti contro il patrimonio mediante violenza alle cose o alle persone).

The Italian legislator, as well as the Ukrainian legislator, called this group of crimes crimes against property. However, in the Italian doctrine of criminal law, this name was criticized. Since the term "property" was proposed to be understood in a broad sense, including the right of ownership, the right of possession, as well as other rights and obligations.

In the Italian doctrine of criminal law there is a classification of crimes against property: crimes of unilateral aggression (theft, burglary, theft "with removal", embezzlement, robbery, damage – furto, furto in abitazione, furto con strappo, appropriazione indebita, rapina, danneggiamento); crimes in collaboration with the victim (extortion, kidnapping for the purpose of extortion, fraud, usury – estorsione, sequestro di persona a scopo estorsivo, truffa, usura); crimes of conversion and reuse of things or illegal capital (conversion of stolen goods, utilization – ricettazione, riciclaggio) and other cases.

During the study of crimes against property in the doctrine of Italian criminal law, two directions were formed regarding the understanding of the categorical apparatus of crimes against property. One such approach indicates that it is necessary to take into account those terms that derive from civil law, since criminal law cannot change the essence of the institutions used by other branches of law and must be limited to adding its special protection and order of civil law.

The second, so-called "autonomist" trend, notes that criminal law can interpret certain terms independently.

There are fierce discussions around the concept of property in the Italian doctrine of criminal law. Thus, we understand the complex of legal relations and economically valued, which can be transferred to a person (Physical and / or legal). This category also includes things that have a simple "emotional" value.

Liability for theft is provided for in art. 624 of the Italian Criminal Code. The article is called "Theft" (Furto) and contains a rule that "anyone who takes possession of another's movable property by stealing it from the person who owns it, with the aim of obtaining a benefit for himself or other persons, shall be punished by imprisonment for a term of up to three years and a fine".

According to part 2 of art. 624 of the Italian Criminal Code, movable [properties] for the purposes of criminal law also include electricity ('energia elettrica) and any other energy (altra energia) that has economic value (valore economico).

Therefore, according to Italian criminal law, the subject of theft may also be electrical energy and any other energy that has economic value, wild animals and fish found on private territory. As is known, the criminal legislation of Ukraine considers these crimes as independent offenses, and not theft (Article 185 of the Criminal Code of Ukraine).

A peculiar novel of the Criminal Code of Italy is Article 624-bis. Theft with penetration into a dwelling (Furto inabitazione), theft "with removal" (furto con strappo).

The concept of "strappo" in reference books is defined as "The act of forcible separation, tearing off".

Italian scholar Giuseppe Amarelli rightly notes that "a few years ago, theft with penetration into a dwelling and theft with removal were two of the aggravating circumstances of ordinary theft, and, like all the others, were attributed to Article 625".

Law No. 128 of March 26, 2001, entitled "Legislative measures for the protection of citizens' security", the so-called "security package" introduced changes to the system of crimes against property that existed at that time.

According to Part 2 of Article 624-bis, it takes possession of another's movable property, stealing it from the person who owns it, in order to obtain a benefit for himself or other persons, tearing it out of the hands or [by force] from the person" (strappandola di mano o di dosso allapersona). This norm is close to the Ukrainian concept of "robbery".

The Italian legislator provides for cases of theft under aggravating circumstances (Article 625 of the Criminal Code "Aggravating circumstances" Circostanzeaggravanti).

According to Part 1 of Art. 625 of the Italian Criminal Code, in the cases provided for in articles 624, 624-bis and 625, the penalty (la pena) is reduced from one third to one half if, before the sentence is pronounced, the guilty party "allows the discovery of the correction" or of those who acquired, received or concealed the stolen thing or otherwise intervened to acquire, receive or conceal it.

According to Art. 625 of the Italian Criminal Code, such circumstances are: 1) 2) if the perpetrator committed violence against things or used a method of deception; 3) if the perpetrator had, but did not inhale, weapons or narcotics; 4) if the act was committed deftly (destrezza); (committing theft with audacity or a thing snatched from the hands or torn from the victim – according to the interim edition).

Unlike the Ukrainian legislator, as can be seen from the text of Art. 624-625 of the Italian Criminal Code, theft is understood as both secret and open removal of someone else's property from someone else's possession, but without the use of violence or the threat of such violence.

As the Italian researcher Pecorella noted, in the codifying codes of the late eighteenth and early nineteenth centuries, the aggravating features of theft were a list of random offenses, which in turn did not represent a certain necessary systematization and abstraction, and "turned into fragmentary cases, thus close to the most popular depictions of this crime, but at the same time too empirical and incomplete to satisfy the modern lawyer."

In the first Criminal Code of the united Italy of 1889, this trend was preserved; as is known, articles 403 and 404 of the Zanardelli Criminal Code listed twenty different aggravating circumstances of theft, divided into two groups: the first, which includes all the circumstances related to the place of the theft, the quality, purpose or belonging of the stolen thing and the skill of the thief (article 403 of the Criminal Code); the second, instead of those relating to the thief's courage, his elusive abilities, the number of active subjects, etc. (article 404 of the Criminal Code).

Also in the Italian criminal law in paragraph 6 of Article 625 of the Criminal Code, liability is provided for an act committed against the luggage of persons traveling on any type of transport, at stations, on stairs and platforms, in hotels, as well as in places intended for eating and drinking. We see that the Italian legislator in this norm requires liability for the theft of luggage that is in the luggage compartment, in a public place. The method can be both secret and open. Based on the Ukrainian criminal law tradition, when the theft of luggage is not considered as actual, which aggravates the liability of the guilty party.

According to Art. 627 "Seizure of common property" (Sottrazione di cose comuni) of the Italian Criminal Code, criminal liability is provided for the theft of common property: "A co-owner of a company or a co-heir who, in order to obtain a benefit for himself or for other persons, appropriates common property stolen from the owner, shall be punished, upon the application of the victim, by imprisonment for a term of up to two years and a fine.

Art. 628 "Robbery" (Rapina) of the Italian Criminal Code, which states: "Anyone who, in order to obtain an illegal benefit for himself or for other persons, takes possession of another person's movable property by means of violence or threats, stealing it from the owner, shall be punished by imprisonment for a term of three to ten years and a fine. The same punishment shall be imposed on anyone who uses violence or threats immediately after the theft to secure for himself or for other persons possession of the stolen property, or to secure for himself or others impunity." In the latter case, theft turns into robbery. Similar cases are assessed by judicial practice.

According to Art. 629 "Extortion" (Estorsione) of the Italian Criminal Code, anyone who, by means of violence or threats, forces another person to do or admit something, brings himself or others an unfair profit at the expense of others, is punishable by imprisonment for a term of five to ten years and a fine of 516 to 2065 euros [4].

Art. 630 of the Italian Criminal Code "Kidnapping of a person for the purpose of robbery or extortion" (Sequestro di persona a scopo di rapina o di estorsione).

After February 24, 2022, in connection with the full-scale invasion of the Russian Federation, a number of amendments were made to the criminal legislation in Ukraine.

Thus, the punishment for theft, robbery, and robbery under martial law was strengthened. Amendments were made to Articles 185 (theft), 186 (robbery), 187 (robbery), which provide for more severe punishment if the crimes were committed under martial law or a state of emergency. For example, theft under martial law may be punishable by imprisonment for a term of up to 8 years (Part 4 of Article 185 of the Criminal Code of Ukraine).

Conclusion. Thus, the analysis of the criminal legislation of the countries of the Romance legal group showed that it has a developed system of norms on criminal liability for crimes and misdemeanors against property. Such a system is not identical for all countries of the Romance group, which is due, among other things, to geographical, historical and linguistic features. The Criminal Codes of France, Belgium, Luxembourg and the Netherlands have much in common. The most approximate systems of norms on criminal liability for such acts are provided for by the Criminal Codes of France, Belgium, Luxembourg. Separately, it is necessary to talk about the criminal-legal protection of property under the Criminal Codes of Spain and Italy. As a rule, in the legislation and doctrine of the criminal law of the countries of the Romance group, there is no concept of crimes against property. The object of crimes against property is established (as in the Criminal Code of Ukraine), based on the analysis of the names of the sections where the norms on criminal liability for crimes and misdemeanors against property are placed. In the French, Belgian and Dutch doctrine of criminal law, scholars pay considerable attention to the study of dematerialization of the subject of crimes against property. French scholar Guillaume Bussani defended his doctoral dissertation on the topic "Taking into account the dematerialization of property by criminal law: a contribution to the study of criminal law protection of property" (2009).

In judicial practice, there are frequent cases of qualification of acts directed at intangible "things". Dutch judicial practice is known for several decisions on the presence of the elements of a crime in the actions of persons who turned virtual things to their advantage (amulet and mask in a virtual game).

In order to act as the subject of the elements of a crime, unlike the Criminal Code of Ukraine, value is not important.

Unlike the Criminal Code of Ukraine, French and Belgian legislators call deception as a mandatory sign of theft as a method of committing this crime. A person may be found guilty of theft if he fraudulently takes something that does not belong to him (Article 461 of the Belgian Criminal Code). Theft is the fraudulent taking of another person's property (Article 311-1 of the French Criminal Code). Theft is also the taking of a thing for the purpose of its temporary use (usage momentane). Unlike the Criminal Code of Ukraine, the composition of the crime includes a "moral element", which includes only general guilt. The motive is not important for qualification (Criminal Code of France, Belgium, the Netherlands).

Unlike the Ukrainian legislator, according to the Criminal Code of Italy, theft is both a secret and an open taking of someone else's property from someone else's possession, but without the use of violence or the threat of such violence. Thus, although the criminal legislation of European countries has common features in regulating liability for criminal offenses against property, each country retains its own unique characteristics, determined by historical development and national traditions of lawmaking.

REFERENCES

1. Taras Shevchenko. The Caucasus / Transleted by John Weir. URL: https://shevchenko.ca/taras-shevchenko/poem.cfm?poem=30 (дата звернення: 30.12.2024).
2. Code Pénal de la République Française. URL: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070719/ (дата звернення: 30.12.2024).
3. Soloviova A. Crimes Against Property Under the Penal Code of France. *Юридична наука*. 2018. № 1. С. 166–172.
4. Codice Penale Italiano Testo coordinato ed aggiornato del Regio Decreto 19 ottobre 1930, № 1398 URL: http://www. uwm. edu. pl/kpkm/uploads/files/codice-penale. pdf. (дата звернення: 30.12.2024).