



Ministry of Education and Science of Ukraine
STATE BIOTECHNOLOGICAL UNIVERSITY

Faculty of Veterinary Medicine

Department of Sanitation, Hygiene and Forensic Veterinary Medicine

ADMINISTRATIVE AND CRIMINAL OFFENSES IN VETERINARY MEDICINE

METHODICAL INSTRUCTIONS: FOR FULL-TIME STUDENTS MAJORING IN
211 VETERINARY MEDICINE



Kharkiv 2025

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
STATE BIOTECHNOLOGICAL UNIVERSITY
FACULTY OF VETERINARY MEDICINE
DEPARTMENT OF SANITATION, HYGIENE AND FORENSIC
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The guidelines have been developed in accordance with the curriculum of the discipline “Veterinary Law of Ukraine and International Veterinary Legislation” The publication includes a theoretical part study of the theoretical foundations of veterinary legal regulation, the system of current veterinary legislation as the most effective source of veterinary law, as well as legal issues that arise in the practice of veterinary medicine.

Methodical instructions are intended for full-time students in the specialty 211 “Veterinary Medicine” Responsible for the issue: A.M. Petrenko, Candidate of Veterinary Sciences, Associate Professor

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State Biotechnology University, 2025

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INTRODUCTION

There is a growing societal awareness about cruelty to animals. The veterinary community is no exception. There is an expectation that perpetrators of animal cruelty and neglect be held accountable. It has been long recognized that there is a link between cruelty to animals and violence toward humans, and that animal abuse is often one of the indicators of family violence and child abuse. The law enforcement community now recognizes that early and aggressive intervention in animal cruelty cases has a positive and proactive impact on public safety and human welfare.

To effectively prosecute those who harm animals there must be a collaborative effort among agencies and individuals. Animal cruelty cases are unique because none of the victims are able to tell the authorities what happened. Therefore, there is a need for the expertise of a veterinarian or other animal health care professional in nearly every case. According to Neumann (2005), society already sees veterinarians as animal welfare advocates, and there is an expectation that veterinarians will fully cooperate in the investigation and prosecution of a cruelty case. Veterinarians are perceived of as a caregiving profession and members of the public expect them to be at the forefront of setting the highest standards for animal welfare. "Research and professional experience provide compelling evidence that the veterinarian is not only a public health authority, but a type of "family practitioner" with a potential for preventing several forms of family violence"(Arkow).

Most veterinarians have not received formal training in recognizing animal abuse as part of their primary education; rather, they have gained the knowledge through continuing education or textbooks. Veterinary forensic medicine has been part of the veterinary college curriculum in other countries, such as Scotland and Brazil, whereas in the United States it has only recently begun to be incorporated into the curriculum or offered as an elective course. Even with some training veterinarians tend to hesitate to act because they are concerned about being incorrect in their suspicions. There is an increasing trend in legislation regarding the veterinarian's role in reporting animal cruelty. Most of the provisions in the United States are found in either the state's

Veterinary Practice Act or their animal cruelty statute. The laws address both the requirement to report and the civil and criminal immunity and protection given to the practitioner who does file a report. The Animal Legal Defense Fund (www.aldf.org) maintains a current list of the states with some type of duty to report and those that provide some type of immunity.

CHARACTERISTICS OF ADMINISTRATIVE AND CRIMINAL LEGAL RELATIONS IN THE FIELD OF VETERINARY MEDICINE



1. Subject matter and methods of administrative law

Administrative law of Ukraine is an independent branch of law through which the state regulates homogeneous social relations in the field of exercising state executive power, in particular, the activities of executive authorities, local self-government, state and non-state enterprises, institutions and organisations.

The objective of legislation on administrative offences is to:

- protection of the rights and freedoms of citizens, property, the constitutional order of Ukraine, the rights and legitimate interests of enterprises, institutions and organisations, and the established legal order;
- Strengthening the rule of law;
- prevention of offences; educating citizens in the spirit of strict and unswerving observance of the Constitution and laws of Ukraine;
- fostering respect for the rights, honour and dignity of other citizens, and for the rules of coexistence;

- fostering conscientious performance of duties and responsibility to society.

The subject matter of administrative regulation is social relations that arise, change and terminate in the field of public administration.

The main methods of public administration in the field of veterinary medicine, food safety, feed and animal by-products are:

1) the method of persuasion is a system of educational, explanatory and encouraging measures aimed at forming an understanding among citizens of the need to strictly comply with government regulations.

2) coercion is a method of psychological, physical or material influence on certain individuals in order to force them to comply with governmental orders.

2. System and sources of administrative law Administrative law of Ukraine is an independent branch of law that regulates various administrative relations. The body of administrative law is conventionally divided into general and special parts.

The general part defines: the basic principles of public administration, the legal status of its subjects, forms and methods of executive and administrative activity, ways of ensuring legality and discipline in public administration, etc.

A special part of administrative law is formed by the rules that regulate the management of certain sectors of the economy (industry, transport, communications, etc.), social development and culture (education, science), administrative and political activities and inter-sectoral public administration (planning, logistics, pricing, etc.).

The sources of administrative law are:

1. The Constitution of Ukraine, which defines the system of executive authorities and the basic principles of executive and administrative activity.

2. Laws, For example:

- The Law of Ukraine "On State Control over Compliance with Legislation on Food, Feed, Animal By-Products, Animal Health and Welfare" of 18.05.2017 No. 2042- VIII;

- The Law of Ukraine "On the Identification and Registration of Animals" (2009), etc;

3. By-laws that develop and detail the provisions enshrined in the laws,

For example:

- Procedure for granting the status of an official veterinarian, authorised veterinarian, slaughterhouse employee authorised to perform the duties of an assistant state veterinary inspector, and for carrying out their activities.

Approved by the Order of the Ministry of Agrarian Policy and Food of Ukraine No. 141 dated 16.03.2018;

- On the Basic Principles of State Supervision (Control) in the Field of Economic Activity: Law of Ukraine of 05.04.2007 No. 877-V, etc;

The administrative law of Ukraine also defines the acts that constitute administrative offences and the penalties to be imposed on the person who committed the offence.

These rules of law are concentrated in the Code of Ukraine on Administrative Offences, which was adopted on 7.12.1984 and consists of 5 sections. Structure of the Code of Ukraine on Administrative Offences (CUAO). Ukrainian legislation on administrative offences consists of the CUAO and other laws of Ukraine.

The provisions of this Code also apply to administrative offences, liability for which is provided for by laws not yet included in it, including in the field of veterinary medicine, food safety, feed and animal by-products.

The Customs Code of Ukraine regulates administrative liability for violation of customs rules.

Section I. "General Provisions" contains the objectives of the legislation on administrative offences, defines the validity of the law in time, space and by the circle of persons;

Section II. "Administrative Offences and Administrative Liability" consists of General and Special Parts. The General Part defines the concept of an administrative offence, the concept and types of administrative penalties. The Special Part contains a list of administrative offences and penalties for their commission;

Section III. "Bodies Authorised to Consider Cases on Administrative Offences" contains a list of state bodies and their officials whose competence includes consideration of cases on administrative offences;

Section IV. "Proceedings in Cases of Administrative Offences sets out the procedural procedure for considering cases of administrative offences and imposing administrative penalties;

Section V. "Enforcement of Decisions on Imposition of Administrative Penalties" defines the procedural order for the enforcement of decisions in administrative cases.

3. Validity of the law on liability for administrative offences.

A person who has committed an administrative offence shall be liable on the basis of the law in force at the time and place of the offence. Laws that mitigate or abolish liability for administrative offences have retroactive effect, i.e. they apply to offences committed before the issuance of these laws.

Laws that establish or increase liability for administrative offences do not have retroactive effect. Proceedings in cases of administrative offences are conducted on the basis of the law in force at the time and place of consideration of the case.

4. Administrative legal relations.

The specificity of administrative and legal relations is that they have a power character: these relations arise between the ruler and the ruled, between subjects who are unequal to each other.

This is, for example, the legal relationship between a state veterinary inspector and a producer of animal products. The structure of administrative and legal relations consists of an object, a subject and a content.

The object is the social good for which the relationship arose. For example, the normal functioning of the state veterinary medicine service;

Subject - an official or state executive body acting within its competence. Another participant may be an individual or legal entity.

Content - rights and obligations of participants.

Example: Let's analyse the structure of legal relations between the state veterinary inspector and the producer of animal products. The subjects of these legal relations are a representative of the state authority and a subject person. The object is a real social good - food safety. The content is the right of the veterinary inspector to demand the cessation of the offence and the obligation of the producer to comply with the legal requirement.

5. Civil service in Ukraine. Civil service in Ukraine is a professional activity of people who hold positions in state bodies and their apparatus for the practical performance of tasks and functions of the state, and who receive their salaries from public funds. The civil service should be seen as a system of organisational, legal, personnel and information social ties and relations.

The general provisions of the civil servant's activities and status are stipulated by the Law of Ukraine "On Civil Service" of 2003. These persons are civil servants, have the relevant official powers and hold certain positions.

A position is a primary structural unit of a state body and its apparatus defined by the structure and staffing table, which is entrusted with the range of official powers established by regulatory acts.

Officials - heads and deputy heads of state bodies and their staff, other civil servants who are entrusted by laws or other regulations with organisational, administrative, advisory and consultative functions.

Principles of civil service are:

- serving the people of Ukraine;
- democracy and the rule of law;
- humanism and social justice;
- priority of human and civil rights;
- professionalism, competence, initiative, honesty, dedication;
- personal responsibility for the performance of official duties and discipline;
- respecting the rights and legitimate interests of local and regional governments;
- observance of the rights of enterprises, institutions and organisations, and associations of citizens.

The purpose of civil service is to:

1) form socio-political and state-legal conditions for its connection with the life of the people against the background of its social nature;

2) create an objective system for identifying and selecting people to serve in the state apparatus.

The functions of the civil service are the areas of its activity that reflect its role and purpose in society.

These include:

- 1) ensuring the effective functioning of all branches of government;
- 2) ensuring the exercise of rights, freedoms and legitimate interests and obligations of a person and citizen.

The purpose of the civil service is to ensure that the democratic nature of the state is realised through it, to support the free functioning of society and to ensure the leadership of the state apparatus in social development. Thus, it is the main means of implementing the functions of the welfare state.

The main tasks of the civil service are:

- 1) protection of the interests of society, human and civil rights and freedoms;
- 2) achieving and strengthening the integrity of the state;
- 3) ensuring the effective operation of government agencies,
- 4) democratisation of the way the state apparatus is formed and operates, etc.

The main responsibilities of civil servants are:

- 1) compliance with the Constitution of Ukraine and other acts of Ukrainian legislation,
- 2) ensuring the effective operation and performance of tasks of state bodies in accordance with their competence;
- 3) preventing violations of human and civil rights and freedoms,
- 4) direct performance of their official duties, timely and accurate execution of decisions of state bodies or officials, orders and instructions of their supervisors;
- 5) preservation of state secrets, information about citizens that they have become aware of in the course of performing their civil service duties, as well as other information that is not subject to disclosure under the law;
- 6) continuous improvement of the organisation of their work and professional development;
- 7) conscientious performance of official duties, initiative and creativity in work.

Civil servants have the right to:

- 1) exercise the rights and freedoms guaranteed to citizens of Ukraine by the Constitution and laws of Ukraine;

2) participate in consideration of issues and decision-making within the scope of their authority,

3) receive necessary information from state bodies, enterprises, institutions and organisations, local and regional self-government bodies on issues within their competence;

4) respect for personal dignity, fair and respectful treatment by managers, employees and citizens;

5) require the approval of a clearly defined scope of official powers for the position of an employee by the manager;

6) get remuneration depending on the position held, the rank assigned to him/her, quality, experience and length of service;

7) get acquainted with the materials related to his/her civil service without hindrance, and, if necessary, to give personal explanations;

8) be promoted based on qualifications and abilities, conscientious performance of their official duties, and to participate in competitions for positions of a higher category,

9) demand an internal investigation in order to remove groundless, in the employee's opinion, accusations or suspicions;

10) have healthy, safe and appropriate working conditions for high-performance work;

11) receive social and legal protection in accordance with his/her status;

12) protect their legal rights and interests in higher state bodies and in court.

The specific duties and rights of civil servants are determined on the basis of standard qualification characteristics and are reflected in job descriptions and instructions approved by the heads of the relevant state bodies within the law and their competence.

A person may not be elected or appointed to a position in a state body and its apparatus who:

1) declared incapacitated in accordance with the established procedure;

2) have a criminal record that is incompatible with holding the position,

3) if hired, will be directly or indirectly subordinate to persons who are their close relatives or in-laws;

4) in other cases established by the laws of Ukraine.

Disciplinary sanctions are imposed on a civil servant for failure to perform or improper performance of official duties, abuse of authority, violation of restrictions related to civil service, as well as for an act that disgraces him/her as a civil servant or discredits the state body in which he/she works.

In addition to the disciplinary sanctions provided for by the current labour legislation of Ukraine, employees may be subject to the following disciplinary measures:

- a warning about incomplete compliance;
- a delay of up to one year in the assignment of the next rank or appointment to a hi.

6. Criminal law in Ukraine, concepts, functions and principles.

Criminal law, as a branch of law, is a system of legal norms adopted by the Verkhovna Rada of Ukraine that establish which socially dangerous acts are crimes and which punishments are to be applied to the perpetrators.



Functions of criminal law.

The main functions of criminal law are:

1) protective function - the task of the Criminal Code is to protect the most important social values from criminal encroachments: human and civil rights and freedoms, property, public order and public safety, the environment, etc., as well as to prevent crimes.

2) regulatory function - special rules of criminal law allow state authorities not to bring a person to responsibility or to execute a sentence, prohibiting him/her from committing socially dangerous acts (omissions), but require lawful behaviour after the commission of a crime.

3) preventive function - preventing violations of criminal law by conscious citizens.

No matter how serious the consequences of a person's actions, criminal liability is excluded until it is established that the person acted culpably (i.e. intentionally or negligently).

Principles of criminal law:

- 1) The Criminal Code is the only legislative act on criminal liability;
- 2) no crime - no punishment without an indication of it in the criminal law;
- 3) the only ground for criminal liability is the presence of elements of a crime provided for in the criminal law in the actions of a person. A person shall be presumed innocent of committing a crime and shall not be subjected to criminal punishment until his/her guilt is proved in accordance with the law and established by a court verdict of guilty;
- 4) personal (individual) and culpable liability;
- 5) strengthening responsibility for committing serious and especially serious crimes, with the possibility (through the introduction of alternative sanctions) of applying non-custodial punishments to persons who have committed less serious crimes;
- 6) strengthening the fight against organised crime;
- 7) fairness of the sentence of the convicted person.
- 8) the possibility of exemption from criminal liability (in case of active repentance, reconciliation with the victim, etc.), as well as from punishment (for example, release on probation);
- 9) abolishing the death penalty and replacing it with life imprisonment;
- 10) the existence of incentive rules that encourage positive postcriminal behaviour;

6. Structure of the Criminal Code of Ukraine. Sources of criminal law. The Criminal Code of Ukraine was adopted by the Verkhovna Rada of Ukraine on 5 April 2001 and entered into force on 1 September 2001. It consists of General and Special Parts, which are divided into sections and articles (447 articles in total). The general part of the Criminal Code consists of 15 sections: objectives of the Criminal Code, grounds for criminal liability, the concept of crime, its types, stage, The guilt and its forms, types of criminal penalties, general principles of sentencing

and exemption from punishment, circumstances that exclude the criminality of an act other general provisions.

The special part of the Criminal Code consists of 20 sections. It contains an exhaustive list of acts that are recognised as crimes and specific sanctions for committing these acts.

For example, crimes in the sphere of economic activity (intentional introduction of dangerous products into circulation on the Ukrainian market (release of dangerous products into the Ukrainian market);

illegal hunting;

illegal fishing, hunting or other aquatic extraction activities; violation of veterinary rules), crimes against public order and morality (cruelty to animals), etc.

The Criminal Code of Ukraine is the only legislative act on criminal liability. Criminal law is established and amended only by the Verkhovna Rada of Ukraine.

The sources of criminal law are the Constitution and the Criminal Code of Ukraine. In particular, the Constitution of Ukraine states: "Everyone has the inherent right to life. No one shall be arbitrarily deprived of his or her life" .

It is the duty of the state to protect human life, including by preventing the spread of zoonotic and anthroponozoonoses, consumption of safe food products, etc. Everyone has the right to protect their life and health, as well as the life and health of other people, from unlawful attacks.

7. Effect of the criminal law The criminal law is valid in time, space and across a range of persons. The following provisions determine the time duration of the criminal law:

1) a law that cancels the criminality of an act, mitigates criminal liability or otherwise improves the situation of a person has retroactive effect, i.e. applies to persons who committed the relevant acts before such a law came into force;

2) a law that establishes the criminality of an act, increases criminal liability or otherwise worsens the situation of a person does not have retroactive effect;

3) a law that partially mitigates criminal liability or otherwise improves the situation of a person, and partially increases criminal liability or otherwise worsens

the situation of a person, has retroactive effect only to the extent that it mitigates criminal liability or otherwise improves the situation of a person;

4) if, after a person commits an act under the current CC, the law on criminal liability has been amended several times, the law that cancels the criminality of the act, mitigates criminal liability or otherwise improves the situation of the person has retroactive effect.

The effect of criminal law in space is determined by the territorial principle of its application. All persons (citizens of Ukraine, citizens of foreign countries, stateless persons) who have committed a crime in the territory of Ukraine shall be subject to criminal liability under the laws of Ukraine.

The issue of criminal liability of diplomatic representatives of foreign states and other citizens who, according to the laws of Ukraine and international treaties, are not subject to criminal jurisdiction of Ukrainian courts in criminal cases, in case of their committing a crime on the territory of Ukraine, is resolved by diplomatic means. A crime is deemed to have been committed in Ukraine if it was initiated, continued, completed or terminated in Ukraine or if its perpetrator or at least one of the accomplices acted in Ukraine.

The effect of the criminal law in space is closely related to the effect of the criminal law in terms of the circle of persons. Citizens of Ukraine and stateless persons permanently residing in Ukraine who have committed crimes outside its borders are subject to criminal liability under the Criminal Code of Ukraine, unless otherwise provided by international treaties of Ukraine. If these persons have been subjected to criminal punishment for their crimes outside of Ukraine, they cannot be prosecuted in Ukraine for these crimes.

Another resolution applies to foreigners and stateless persons who do not reside in Ukraine permanently. If they have committed crimes outside Ukraine, they are liable under the laws of Ukraine only in cases provided for by international treaties, or if they have committed grave or especially grave crimes against the rights and freedoms of Ukrainian citizens or the interests of the Ukrainian state.

8. Concept, signs, types, stages of committing an offence A crime is a socially dangerous culpable act (action or inaction) committed by a criminal subject under the Criminal Code. Let us consider certain provisions of this definition.

A criminal act may be committed in the form of an act or omission:

1) a criminal act is a type of active behaviour of a person when he/she commits acts expressly prohibited by criminal law (cruelty to animals, illegal hunting, violation of veterinary rules are crimes committed in the form of an act).

2) criminal omission is a type of passive unlawful behaviour (intentional failure to preventively vaccinate animals against rabies, resulting in an epidemic of this disease).

The subject of a crime is a natural person of sound mind who has committed a crime at the age of criminal responsibility. A person who, at the time of committing the crime, could be aware of his or her actions (inaction) and control them is deemed sane. Criminal liability is imposed on persons who were 16 years of age or older before committing the crime. Persons over 14 years of age who have committed particularly serious crimes are also subject to criminal liability.

An act that, although provided for in the Criminal Code, does not pose a public danger due to its insignificance, i.e., it did not cause significant damage, such as the theft of a packet of butter, is not a crime.

Signs of the crime :

1) a crime is an act (action or inaction). A person is subject to criminal liability for specific actions (active form of behaviour) or inaction (passive form of behaviour). Thoughts and beliefs are not crimes;

2) social danger of the act is the property of the crime to cause socially dangerous harm or create a threat of such harm to law enforcement objects;

3) criminal unlawfulness - the possibility of recognising an act as a crime only if it is foreseen by the Criminal Code of Ukraine as a crime.

4) punishability is the provision of criminal punishment for a criminal act;

5) only a culpable act is considered a crime, i.e. an act committed by a person intentionally or negligently.

The Special Part of the Criminal Code contains an exhaustive list of acts that are recognised as criminal. Thus, the disposition of Part 1 of Article 227 of the Criminal Code of Ukraine provides for liability for the intentional introduction of dangerous products into circulation (release to the Ukrainian market).

The sanction of the same part provides for punishment in the form of a fine of 500 to 1000 tax-free minimum incomes with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Classification of crimes. It makes it possible to identify the characteristics of a particular group, to understand their peculiarities, to decide whether to bring a person to criminal liability, the amount and type of punishment, and exemption from criminal liability.

By the degree of severity:

1) a petty crime is a crime punishable by imprisonment for a term not exceeding 2 years, or another, lesser punishment, except for the main punishment of a fine in excess of 3,000 tax-free minimum incomes. Such crimes include cruelty to animals (Article 209 of the CC);

2) a crime of moderate gravity is a crime for which the main penalty is a fine of not more than 10 thousand tax-free minimum incomes or imprisonment for a term not exceeding 5 years.

3) a serious crime is a crime for which the main punishment is a fine of not more than 25 thousand tax-free minimum incomes or imprisonment for a term not exceeding 10 years.

4) a particularly serious crime is a crime for which the main punishment is a fine of more than twenty-five thousand tax-free minimum incomes, imprisonment for more than 10 years or life imprisonment. This type of offence, for example, includes aggravated murder (Article 115(2)).

By the subject of the crime:

1) crimes committed by a common subject (a person with legal capacity who has reached the age of criminal responsibility);

2) crimes committed by a special subject (for example, a state inspector of veterinary medicine).

By the object of the crime:

- 1) crimes in the field of economic activity;
- 2) crimes against the environment;
- 3) crimes against public order and morality;
- 4) crimes in the field of official activity, etc.

By the form of guilt:

- 1) intentional;
- 2) careless.

By the degree of implementation of the criminal intent:

- 1) completed;
- 2) unfinished.

The difference between a crime and other offences and lawful behaviour.

The degree of social danger of the act distinguishes a crime from other offences (administrative offence, civil tort, disciplinary offence). The Criminal Law establishes liability for the most dangerous encroachments on the object of criminal law protection, the damage to which either cannot be eliminated at all or requires significant measures to restore it.

The degree of public danger is measured in specific units - monetary value, degree of disability, etc.

For example, Art. 107 of the Code of Administrative Offences establishes liability for violation of animal quarantine rules, other veterinary and sanitary requirements provided for by the Law of Ukraine "On Veterinary Medicine" , other legislative acts, as well as decisions of local governments on combating epizootics.

However, Art. 251 of the Criminal Code of Ukraine entails criminal liability for violation of veterinary rules that caused the spread of an epizootic or other serious consequences. In this case, in practice, there are no problems with distinguishing a criminal act from an administrative offence. The correctness of determining the degree of public danger through the assessment of which is entrusted to the authorities that will apply the law.

For example, violation of labour legislation provides for administrative liability under Article 41 of the Code of Administrative Offences. In case of gross

violation of labour rights, liability is imposed under Article 172 of the Criminal Code of Ukraine.

A criminal act differs from other offences by the degree of public danger. However, lawful behaviour differs from a criminal act precisely because of the absence of public danger. Lawful behaviour is not always specified in written law, but it is the exact opposite of an offence. Legitimate behaviour is defined as socially useful behaviour that is approved by society and therefore does not pose a social danger.

For example, strict compliance with veterinary regulations, humane treatment of animals, etc.

The stages of committing a crime are the stages of its commission, which differ significantly in the degree of realisation of the criminal intent, the nature of the act (action or inaction) and the moment of its completion. The crime of negligence has no stages.

The Criminal Code of Ukraine distinguishes between the following stages of committing a crime:

1) Preparation for a crime is the intentional creation of conditions for committing a crime (e.g., searching for or adapting means or instruments, searching for accomplices or conspiracy to commit a crime, removing obstacles).

2) attempted crime is the commission by a person with direct intent of an act (action or inaction) directly aimed at committing a crime under the relevant article of the Special Part of the Criminal Code of Ukraine, if the crime was not completed for reasons beyond the person's control (Article 15 of the Criminal Code of Ukraine).

An attempted crime occurs when:

- a) an act directly aimed at committing a specific crime has been committed;
- b) the crime was not brought to an end;
- c) the reasons for the end of the crime do not depend on the will of the perpetrator.

Criminal liability for preparation for a crime and attempted crime shall be incurred under Article 14 or 15 and under the article of the Special Part of this Code that provides for liability for a completed crime.

3) a completed crime is an act that contains all the elements of a crime under the relevant article of the Special Part of the Criminal Code.

For example, a citizen used explosives to carry out fishing during a prohibited time and this fishing caused significant damage. The crime of cruelty to animals is considered complete from the moment any of the following acts are committed: injuries, fractures of limbs, thermal or chemical exposure, etc.

In practice, the stages of the crime are conditional. Each stage of a crime is a socially dangerous act. Criminal liability for preparing for a crime and attempted crime is incurred under the article of the law providing for liability for a completed crime. It should be borne in mind that preparation for a minor crime does not entail criminal liability.

9. Corpus delicti Corpus delicti is a legal construct, a set of objective and subjective features that define a socially dangerous act as a criminal offence.

The corpus delicti of a crime is created by 4 groups of signs:

1) The object of a crime is a social relationship, social goods, values, certain spheres of human activity protected by criminal law, which are targeted by a socially dangerous act and which are harmed or threatened with harm. The correct definition of the object of a crime makes it possible to determine the legal nature of a particular crime. In addition, the object of a crime is a criterion for distinguishing a crime from other offences. Article 1 of the Criminal Code of Ukraine contains a list of objects under criminal law protection: economic activity, production safety, public order and morality, authority of state authorities, etc.

2) Objective side of the crime - external manifestation of the crime, characterised by the following features: socially dangerous act, socially dangerous consequences, causal relationship between the socially dangerous act and socially dangerous consequences, place, time, environment, method and means of committing the crime.

Signs of the objective side of the crime are: mandatory features (socially dangerous act) and Optional (socially dangerous consequences, causal link between a socially dangerous act and socially dangerous consequences, place, time, setting, method and means of committing the crime, etc.)

The objective side and the object are mandatory elements of the crime. The absence of an objective party confirms the absence of *corpus delicti* in the actions of a person, and therefore excludes his criminal liability. Any criminal act is described in the law by external features. The objective side distinguishes one crime from another, a criminal act from another offence.

For example, the objective aspect of intentional placing of dangerous products on the Ukrainian market (Article 227 of the Criminal Code of Ukraine) is the placing of such products that do not meet the product safety requirements set out in regulatory legal acts, if such actions are committed in large amounts (exceeding 500 tax-free minimum incomes).

The objective aspect of animal cruelty is the infliction of injuries, limb fractures, thermal or chemical exposure, etc. Depending on the description of the objective part of the crime, the legal moment of the end of the crime is established.

Thus, the crime of cruelty to animals is considered complete from the moment of the occurrence of a socially dangerous act - infliction of any of the following acts on an animal: injuries, fractures of limbs, thermal or chemical exposure, etc.

A socially dangerous act is a specific, conscious and volitional act of a person's behaviour (action or inaction). A socially dangerous act has a specific nature. The person is not responsible for opinions, beliefs, or statements. A person's awareness of a socially dangerous act is based on the awareness of the factual side of the act and its social danger.

The volitional nature of an act is the independent, voluntary decision to commit a crime. Committing a socially dangerous act against the person's will, for example, failure to provide assistance to an animal due to the inability to perform such actions, is not a crime. A socially dangerous act may be committed in the following forms: action or inaction.

An act is active human behaviour in which a person uses his or her abilities to commit a crime.

For example, a person stabs the victim, causing damage to his or her health. Most crimes are committed through actions. Inaction is passive human behaviour in which a person refrains from performing mandatory actions, thus causing socially dangerous harm.

3) The subject of a crime is a sane individual who has committed a crime and has reached the age of criminal responsibility and is subject to such responsibility.

Sanity is the ability of a person to be aware of their actions (inaction) and to control them during the commission of a crime. Sanity allows you to make a choice about your behaviour - whether to commit a crime or not.

The medical criteria for insanity include: chronic mental illness, temporary mental disorder, dementia, and a painful state of mind. A forensic psychiatric examination is ordered to determine the mental state of the offender.

As a general rule, criminal liability arises from the age of 16. For certain particularly grave crimes, an exhaustive list of which is provided in the Criminal Code (Article 22(2)), liability is imposed from the age of 14. In some crimes, the perpetrator must be at least 18 years of age (e.g., the perpetrator of white-collar crime, since a minor cannot hold a position, and therefore cannot commit white-collar crime).

A special subject is a person who, in addition to the characteristics of a general subject (natural person, age, sanity), has additional characteristics that allow him or her to be recognised as a subject of a particular crime (official, profession, etc.).

4) The subjective side of a crime is the mental attitude of a person to a socially dangerous act committed by him/her and to its consequences. These are processes that take place in the psyche of the offender. This aspect of the crime is learned by analysing and assessing the behaviour of the offender. The subjective side has mandatory and optional features.

10. Guilt and its forms. A mandatory feature of the subjective side is guilt - a person's mental attitude to the act or omission provided for by the Criminal Code of Ukraine and its consequences, expressed in the form of intent or negligence. Fault is expressed in the forms of intent and negligence. Intent is divided into direct and indirect. Direct intent is recognised if the person was aware of the socially dangerous nature of his or her act, foresaw its socially dangerous consequences and wished them to occur.

Indirect intent is recognised if the person was aware of the socially dangerous nature of his or her act, foresaw its socially dangerous consequences and, although not willing, deliberately allowed their occurrence.

Recklessness has 2 types: criminal overconfidence and criminal negligence:

1) criminal overconfidence occurs if a person foresaw the possibility of socially dangerous consequences of his/her act, but frivolously relied on their prevention.

2) criminal negligence occurs if a person did not foresee the possibility of socially dangerous consequences of his/her act, although he/she should and could have foreseen them.

Optional features of the subjective side include the motive and purpose of the crime:

1) the motive for the crime is the internal motivation and determination to commit the crime;

2) goal - the criminal result that the offender is trying to achieve.

Optional features of the subjective side are taken into account when qualifying a crime only when they are specified in the disposition of the relevant criminal law provision.

The absence of at least one of these elements indicates the absence of the corpus delicti as a whole and excludes criminal liability. The elements of specific crimes are described in the articles of the Special Part of the Criminal Code of Ukraine. Types of corpus delicti.

The following types of crimes are distinguished by the degree of public danger:

- 1) the main composition - without aggravating or mitigating circumstances;
- 2) privileged composition - with mitigating circumstances);
- 3) qualified personnel - with aggravating circumstances.

11. Complicity in a crime. Accomplicity in a crime is the intentional joint participation of several subjects of a crime in the commission of an intentional crime. Accomplicity is an aggravating circumstance. In the case of complicity, at least two tort-capable persons are involved in the crime.

It is not complicity in the commission of a crime by one delictually capable person with the help of an insane person or a minor, the crime is committed by the joint efforts of all the accomplices, all accomplices act intentionally.

Types of accomplices. Depending on the role in the criminal act, criminal law distinguishes between the following types of accomplices:

1) a perpetrator (co-perpetrator) is a person who, in complicity with other subjects of a crime, directly or by using other persons who are not criminally liable for the act (insane and minors), committed a crime under the CC.

2) organiser means a person who organised the commission of a crime (crimes) or supervised its preparation or commission, or formed or led an organised group or criminal organisation, or a person who provided financing or organised concealment of criminal activities of an organised group or criminal organisation.

3) instigator is a person who persuaded, bribed, threatened, coerced or otherwise induced another accomplice to commit a crime.

4) an accomplice is a person who, by giving advice, instructions, providing means or instruments or removing obstacles, facilitated the commission of a crime by other accomplices, as well as a person who promised in advance to hide the offender, instruments or means of committing a crime, necessary for the crime or objects obtained by criminal means, to purchase or sell such objects.

When sentencing accomplices, the court takes into account the nature and degree of participation in the crime of each of them. All other things being equal, the most dangerous accomplices are the perpetrator and the organiser. In criminal law, there is a concept of excess of the executor (going beyond the scope of the plan).

For example, a situation arises when one of the accomplices commits an act that was not covered by the intent of the other accomplices. All other accomplices are not liable for the excesses of the performer. They are responsible only for the act to which their intent was directed.

Committing a crime by a group of persons, an organised group or a criminal organisation. The stability of ties and the stability of intent distinguish between the commission of a crime by different criminal groups (a group of persons, a group of persons by prior conspiracy, an organised group, a criminal organisation).

A crime is considered to have been committed by a group of persons if several (two or more) perpetrators participated in it without a prior conspiracy between them, which took place not before but during the crime.

A crime is committed by prior conspiracy by a group of persons if it was jointly committed by several persons (2 or more) who agreed in advance, i.e. before the crime, to commit it together.

A crime is committed by an organised group if several persons (3 or more) participated in its preparation or commission, who had previously organised themselves into a stable association for the commission of this and other crimes, united by a single plan with the distribution of functions of the group members aimed at achieving the plan known to all group members.

A crime is deemed to be committed by a criminal organisation if it is committed by a stable hierarchical association of several persons (5 or more), whose members or structural parts have organised themselves by prior conspiracy to act together for the purpose of directly committing serious or especially serious crimes by members of this organisation, or directing or coordinating the criminal activity of other persons, or ensuring the functioning of the criminal organisation itself and other criminal groups.

Recidivism is the commission of a new intentional crime by a person who has a criminal record for a previous intentional crime. Thus, a recidivism of crimes will occur when a person has committed not one, but several single crimes; all crimes included in the recidivism must be intentional; the person must have been

convicted of previous crimes and the conviction must not have been cancelled or expunged in accordance with the procedure established by law.

VETERINARY LAW.



1. Administrative offences in the field of veterinary medicine An administrative offence (misdemeanour) is an unlawful, culpable (intentional or negligent) act (action or inaction) that infringes upon public order, property, rights and freedoms of citizens, and the established order of governance for which the law provides for administrative liability.

Signs of an administrative offence.

1) Illegality. An act or omission is recognised as an administrative offence only if it directly violates a certain provision of administrative law;

2) Anti-social nature. An administrative offence either causes real harm to an individual, society, or the state, or creates a threat of such harm;

3) Culpability. Only a guilty act is recognised as a misdemeanour;

4) Punishability. Administrative legislation establishes the type and extent of penalties for committing an administrative offence.

Administrative liability of officials. Officials are subject to administrative liability for administrative offences related to non-compliance with the established rules, the enforcement of which is part of their official duties.

An administrative penalty is a measure of responsibility and is applied to educate a person who has committed an administrative offence in the spirit of compliance with the laws of Ukraine, respect for the rules of community life, and to prevent the commission of new offences by the offender and other persons. Administrative penalties.

The types and procedure for applying administrative penalties are determined by the Code of Ukraine on Administrative Offences:

1) warnings - issued in writing.

2) fine - a monetary penalty imposed on citizens and officials for administrative offences in cases and in the amount established by the laws of Ukraine.

3) paid seizure of an object that was the instrument of commission or direct object of an administrative offence Forced seizure by a court decision and sale with the transfer of the proceeds to the former owner, with deduction of the costs of selling the seized object.

4) deprivation of a special right. It is applied for gross or systematic violation of the right to hunt (for example). It is imposed for up to 3 years. Deprivation of the right to hunt cannot be applied to persons for whom hunting is the main source of subsistence.

5) correctional labour - applied for a period of up to two months, to be performed at the place of permanent employment of the person who committed the administrative offence, and with a deduction of up to 20% of his/her earnings to the state. Corrective labour is imposed by a court.

6) administrative arrest - imposed and applied only in exceptional cases for certain types of administrative offences for a period of up to 15 days. It cannot be applied to pregnant women, women with children under the age of twelve, and disabled persons of the first and second groups. Administrative detention is imposed by a court.

7) community service consists in the performance by the person who committed the administrative offence, in his/her free time from work or study, of free socially useful work, the type of which is determined by local self-government

bodies Community service is ordered by the court for a period of 12 to 60 hours and is performed no more than 4 hours a day. They are not available to persons recognised as disabled in the first or second groups, pregnant women, women over 55 years of age and men over 60 years of age.

The laws of Ukraine may establish other types of administrative penalties, in addition to those specified in this Article Foreign citizens and subjects, stateless persons may be subject to such coercive measures as expulsion from Ukraine.

If a person subjected to an administrative penalty does not commit a new administrative offence within one year from the date of completion of the penalty, such person shall be deemed not to have been subjected to an administrative penalty.

Circumstances mitigating administrative liability and exempting from it. Sincere repentance of the perpetrator.

Committing an offence under the influence of strong emotional distress or due to a combination of difficult personal or family circumstances.

Committing an offence by a pregnant woman or a woman with a child under the age of one.

Committing an offence by a minor

Prevention of harmful consequences of the offence by the perpetrator, voluntary compensation for damages or repair of the damage caused.

Circumstances aggravating liability for an administrative offence
Committing an offence by a group of persons. Continuing unlawful behaviour despite a request from authorised persons to stop it.

Repeated commission of a homogeneous offence within a year for which a person has already been subjected to an administrative penalty; commission of an offence by a person who has previously committed a crime.

Committing an offence while intoxicated. Depending on the nature of the administrative offence, the authority (official) imposing the administrative penalty may not consider this circumstance to be an aggravating factor. Involvement of a minor in an offence. committing an offence in a natural disaster or other extraordinary circumstances.

An action that, although provided for by the Code of Ukraine on Administrative Liability or other laws establishing liability for administrative offences, is committed in a state of emergency, i.e. to eliminate a danger that threatens state or public order, property, rights and freedoms of citizens, or the established order of governance, if this danger could not be eliminated by other means under the circumstances and if the damage caused is less significant than the damage prevented, is not an administrative offence.

Administrative offences in the field of labour protection and public health:

1. Violation of sanitary, hygienic and epidemiological rules and regulations.
2. Production, procurement, sale of agricultural products containing chemicals in excess of the maximum permissible concentrations.
3. Procurement, processing or sale of radioactively contaminated food or other products.
4. Production, storage, transportation or sale of food or food raw materials contaminated with microorganisms and other biological agents above the maximum permissible levels.
5. Illegal production, acquisition, storage, transportation, shipment of narcotic drugs or psychotropic substances without the purpose of sale in small amounts.

Administrative offences encroaching on property:

1. Violation of the rules of state ownership of wildlife.

Administrative offences in the field of environmental protection and use of natural resources:

1. Violation of the rules for the use of wildlife (hunting, fishing).
2. Production and sale of prohibited tools for the extraction of objects of the animal or plant world.
3. Violation of the requirements for the protection of habitats and routes of migration, relocation, acclimatisation and interbreeding of wild animals.
4. Illegal export from and import into Ukraine of flora and fauna.

5. Violation of the procedure for the acquisition or sale of objects of the animal or plant world, rules for keeping wild animals in captivity or in semi-free conditions.

6. Cruelty to animals

7. Violation of the requirements for the protection of animal and plant species listed in the Red Book of Ukraine.

8. Failure to comply with the rules and regulations in the process of creation, production, storage, transportation, use, neutralisation, elimination, disposal of microorganisms, biologically active substances and other biotechnology products.

9. Violation of the rules of protection and use of territories and objects of the nature reserve fund. Administrative offences in agriculture.

Violation of veterinary and sanitary rules:

1. Violation of animal quarantine rules and other veterinary and sanitary requirements.

2. Violation of the legislation on livestock breeding.

Administrative offences in the field of housing rights, housing and communal services and landscaping:

1. Violation of the rules for keeping dogs and cats.

Administrative offences in trade, catering, services, finance and business:

1. Violation of consumer protection legislation.

Administrative offences in the field of standardisation, product quality, metrology and certification:

1. Production and sale of products that do not meet the requirements of the standards.

2. Putting non-standard products on sale.

3. Failure to comply with standards during transport, storage and use of products.

4. Putting into circulation products that do not have a certificate of conformity or a certificate of conformity or a declaration of conformity, as well as unlawful use of the national conformity mark.

5. Violation of the rules for the use of measuring instruments.

6. Violation of the established procedure for issuing a certificate of conformity.

Administrative offences that infringe on the established management procedure:

1. Malicious evasion of an expert from appearing before the pre-trial investigation or inquiry.

2. Self-rule.

3. Violation of the rules of administrative supervision.

4. Failure to comply with the legal requirements of officials of the state quality control authorities.

5. Failure to comply with resolutions, orders, instructions, as well as other legal requirements of officials of bodies, institutions and establishments of the State Sanitary and Epidemiological Service.

6. Failure to comply with the legal requirements of officials of the sanitary and epidemiological service and the state veterinary medicine service.

7. Violation of the rules for the manufacture and accounting and storage of seals and stamps, as well as the manufacture, importation, sale and use of self-set seals.

Administrative corruption offences:

1. Receipt of unlawful remuneration.

2. Criminal offences in the field of veterinary medicine.

Criminal liability is the most severe type of legal liability, which is the legal consequence of a crime, consisting in the perpetrator suffering certain losses of a personal and/or property nature Signs of criminal liability :

1) applies only to the person who committed the crime;

2) punishment is the duty of the offender;

3) exclusively judicial procedure for the application of punishment and other measures of criminal liability.

Criminal liability is based on the commission by a person of a socially dangerous act that contains the elements of a crime under the Criminal Code of

Ukraine (and not on thoughts or beliefs). The enforcement of criminal liability begins from the moment the court's guilty verdict enters into force.

The following forms of criminal liability are distinguished:

1) punishment is a form of criminal liability that includes:

- state conviction of a person who has committed a crime; imposition of a specific punishment by a court;
- a court decision on the actual serving of a sentence by a person;
- the actual (full or partial) serving of the sentence imposed by the court;
- a person being in a special legal position;
- a state of conviction.

2) state conviction of the offender without imposing a sentence;

3) state conviction of the offender with the imposition of a sentence, but with simultaneous release from serving it with probation.

Circumstances that mitigate criminal punishment.

- Providing medical or other assistance to the victim immediately after the crime;
- confession, sincere remorse or active assistance in solving the crime;
- voluntary compensation for damages or remediation of the damage caused;
- committing a crime by a woman who is pregnant; committing a crime by a minor;
- committing a crime under the influence of strong emotional distress caused by the victim's unlawful or immoral actions;
- committing a crime under the influence of a threat, coercion or due to material, official or other dependence; committing a crime in excess of the limits of extreme necessity.

When imposing a sentence, the court may also recognise other mitigating circumstances not specified in the Criminal Code of Ukraine.

The list of mitigating circumstances is not exhaustive.

- Circumstances aggravating criminal punishment . committing a crime by a group of persons by prior conspiracy;

- committing a crime motivated by racial, national or religious hatred or discord; repeat offences and recidivism;
- grave consequences caused by the crime;
- committing a crime against a minor, an elderly person or a person in a helpless state;
- committing a crime against a woman who was pregnant, knowing the perpetrator to be pregnant; committing a crime using the conditions of martial law or a state of emergency, or other extraordinary events;
- committing a crime by a person who is in a state of alcohol intoxication or in a state caused by the use of narcotic or other intoxicating drugs; committing a crime using a minor or a person suffering from a mental illness; committing a crime with particular cruelty.

The court has the right, depending on the nature of the crime, not to recognise any of the circumstances specified in the law as aggravating the punishment, explaining its decision in the verdict.

The list of aggravating circumstances is exhaustive, i.e. when imposing a sentence, the court cannot recognise circumstances not specified in the criminal law as aggravating.

Crimes in the field of economic activity:

1. Intentional introduction of hazardous products into circulation on the Ukrainian market (release to the Ukrainian market). Crimes against the environment:

1. Violation of environmental safety rules.
2. Failure to take measures to eliminate the consequences of environmental pollution.
3. Concealment or distortion of information about the environmental status or morbidity of the population.
4. Illegal hunting.
5. Illegal fishing, hunting or other aquatic extraction.
6. Conducting blasting operations in violation of the rules for the protection of fish stocks.

7. Violation of veterinary regulations.

Crimes against industrial safety:

1. Violation of labour protection legislation.

2. Violation of safety rules when performing work with increased risk.

Crimes against public order and morality:

1. Cruelty to animals.

2. Illegal trafficking in narcotic drugs, psychotropic substances or their analogues.

3. Illicit trafficking of precursors.

4. Violation of the established rules of circulation of narcotic drugs, psychotropic substances, their analogues or precursors.

5. Illegal trafficking in poisonous or potent substances or medicines.

6. Counterfeiting of medicinal products or trafficking in counterfeit medicinal products.

7. Violation of sanitary rules and regulations for the prevention of infectious diseases and mass poisoning.

8. Violation of the rules for handling microbiological or other biological agents or toxins.

9. Procurement, processing or sale of radioactively contaminated food or other products.

Crimes against the authority of public authorities:

1. Theft, misappropriation, extortion of documents, stamps, seals, obtaining them by fraud or abuse of office or damaging them.

2. Forgery and use of forged documents, seals, stamps and forms.

Crimes in the field of official activity:

1. Abuse of power or position.

2. Abuse of power or authority .

3. Receiving a bribe.

Crimes against justice:

1. Knowingly false expert opinion.

2. Refusal of the expert to perform his/her duties.

3. Obstructing the appearance of an expert, forcing him or her to refuse to give an opinion.

4. Disclosure of pre-trial investigation or inquiry data.

Types of basic criminal penalties :

1) a fine is a monetary penalty imposed by a court in the cases and in the amount set forth in the Special Part of the Code, taking into account the amount;

2) community service is a type of punishment that consists in performing socially useful work in free time from work or study and is appointed for a period of 60 to 240 hours, with no more than 4 hours of service per day. Community service is not imposed on persons recognised as disabled of the first or second group, pregnant women, persons who have reached retirement age, and conscripts;

3) correctional labour is a type of punishment that consists in deduction of 10-20% of the convicted person's earnings to the state and is imposed for a period of 6 months to 2 years. Correctional labour is not applied to pregnant women and women on maternity leave, to persons unable to work, to persons under 16 years of age and those who have reached retirement age, as well as to military personnel, rank and file and senior officers of the State Service for Special Communications and Information Protection of Ukraine, law enforcement officers, notaries, judges, prosecutors, lawyers, civil servants, and local government officials;

4) service restrictions for military personnel is a type of punishment that consists in deduction of 10-20% of the amount of the convicted person's financial support to the state and is imposed for a period of 6 months to 2 years. While serving the sentence, the convicted person cannot be promoted in position or military rank, and the term of the sentence is not included in the period of service for the next rank;

5) arrest is a type of punishment that consists in keeping a convicted person in isolation and is imposed for a term of one to six months. Arrest is not applied to persons under the age of 16, pregnant women and women with children under the age of 7;

6) Restriction of liberty is a type of punishment that consists in keeping a person in an open-type penal institution without isolation from society under

conditions of supervision with the convicted person being obliged to work. It is imposed for a term of 1 to 5 years. Restriction of liberty does not apply to minors, pregnant women and women with children under the age of 14, persons who have reached retirement age, military personnel in regular service and persons with disabilities of the first and second groups;

7) detention in a disciplinary battalion of servicemen is a type of punishment that is imposed for a period of 6 months to 2 years. This type of punishment is applied only to servicemen in regular service;

8) imprisonment for a fixed term is a type of punishment that consists in isolating a convicted person and placing him/her in a closed penal institution for a fixed term. It is imposed for a term of 1 to 15 years;

9) life imprisonment is a type of punishment established for the commission of particularly grave crimes and shall be applied only in cases specifically provided for by this Code, unless the court considers it possible to apply imprisonment for a certain period of time. Life imprisonment shall not be applied to persons who committed crimes under the age of 18, and to persons over 65 years of age, as well as to women who were pregnant at the time of the crime or at the time of sentencing.

Basic punishments can only be imposed as independent types. For example, arrest and correctional labour cannot be imposed at the same time. These types of punishment are associated with the achievement of the purpose of punishment. Additional penalties may be attached to the main penalties.

Types of additional punishments:

- 1) deprivation of military, special rank or qualification class;
- 2) confiscation of property.

These punishments cannot be imposed as independent punishments, they are attached to the main punishments.

Types of punishment that can be imposed as basic and additional:

- 1) a fine (from 30 to 1000 tax-free minimum incomes);

2) deprivation of the right to hold certain positions or engage in certain activities (for a term of 2 to 5 years as a primary punishment and for a term of 1 to 3 years as an additional punishment).

This group of punishments can be applied both independently and in addition to the main punishments. A criminal record is a special legal status of a convicted person associated with the existence of legal restrictions imposed on him/her for the period of execution of the sentence specified in the court's guilty verdict and for the time stipulated by law after its execution.

The termination of a criminal record is:

- 1) cancellation of a criminal record;
- 2) removal of a criminal record.

The cancellation of a criminal record means its automatic termination after the expiry of the statutory period. Cancellation of a criminal record is the termination of a criminal record by a court before the expiry of its terms. The grounds for cancellation of a criminal record are proof of reform.

A criminal record can only be cancelled before the expiry of the period of time for repayment of the conviction, so it is always cancelled early.

The procedure for cancellation of a criminal record is established by the Criminal Procedure Code of Ukraine.

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