

**Shtul Julia**, Cadet of the National  
Academy of Internal Affairs

## **CRIMINAL LEGAL QUALIFICATION OF A SET OF CRIMES**

As we know, the totality of crimes is characterized by the commission of two or more crimes provided by various articles or different parts of one article of the Special Part of the Criminal Code of Ukraine, for which none was convicted.

The qualification of crimes provided for in the same part of the article "proves that the commission of several crimes provided for in the same part of the article is a set of crimes. There are several variants when the responsibility for a crime committed by a person is stipulated in the same part of the article (article) of the Criminal Code:

1) if in the article establishing responsibility for the commission of these crimes there is no qualifying sign "committing a crime repeatedly": committing several crimes, each of which contains only signs of the same basic component of the crime (grave bodily injury without qualifying signs, caused at different times by different victims); committing several crimes, each of which contains signs of the same qualified offense (two hooliganism committed by a group of persons, or two similar crimes committed with the use of firearms or cold weapons);

2) if in the article that establishes responsibility for the commission of these crimes, there is a qualifying attribute "committing a crime repeatedly": the commission of several crimes,

the first of which contains signs of a crime envisaged by the same part of the Article of the Criminal Code of Ukraine, which establishes responsibility for the same crime committed repeatedly, and the second one qualifies for the same part on the basis of repetition or other characteristic (theft committed in the previous a conspiracy by a group of persons and re-burglary (regardless of whether committed by himself or by prior conspiracy by a group of people)); committing several crimes, each of which contains signs of the same qualified offense as provided for in the article of the Criminal Code of Ukraine, which establishes more strict liability than in the case of the qualification of this crime on the grounds of its repeated execution (two robbery with housing penetration or in large or especially large sizes).

In the above cases, two or more crimes committed by one person and foreseen in the same part of the article must be classified as a set of crimes, that is, each crime should be reflected in the qualification formula by a separate alphanumeric symbol and in the verdict for each of these committed crimes the court should impose a separate punishment.

The qualification of crimes provided by different parts of one article "states that such a situation is possible: 1) when one act committed two or more crimes provided by different parts of one article (these are cases where the dispositions of different parts of one article provides for example, different consequences); 2) when two or more crimes are committed, each of which is provided with a separate part of one article: if in any of the parts there is no qualifying attribute "repeatedly"; if this clause provides a qualifying attribute "repeatedly".

The qualification of crimes stipulated in various parts of one article of all crimes committed by guilty (provided by different parts of one article) must be qualified individually, that is, how many actual crimes are committed, the same number of articles (parts of articles) in the qualification formula should be indicated.

Qualification of crimes provided by different statutes. The qualification of crimes committed at different times does not pose a

particular complexity, in relation to the question of whether they form a combination of crimes. In order to determine the rules for the qualification of crimes presented by various articles that are committed at the same time, it is necessary to use the rules of competition rules, as indicating cases when there are no set of crimes, in all other cases, the act forms a set of crimes. At the same time, in the aggregate of crimes, each crime is qualified separately, and in the qualification formula it is necessary to reflect all crimes committed.

Consequently, the rules for qualifying crimes in the ideal and actual set of crimes are as follows: if a person commits crimes provided by different articles, each of the crimes included in the aggregate is subject to independent qualification in the relevant part of the Article of the Special Part of the Criminal Code of Ukraine; if certain parts of the article envisage independent crimes, and the person commits these acts, the qualification is carried out according to different parts of one article of the Special Part of the Criminal Code of Ukraine.

#### List of references:

1. Кримінальне право України: Загальна частина : Підручник для студентів юрид. спец. вищ. закладів освіти. М. І. Бажанов, Ю. В. Баулін, В. І. Борисов та ін.; за ред. професорів М. І. Бажанова, В. В. Сташиса, В. Я. Тація. Київ- Харків: ЮрінкомІнтер - Право, 2001. 416 с.

2. Науково-практичний коментар до Кримінального кодексу України. За ред. С.С. Яценка. К.: А.С.К., 2002. 968 с.

3. Кримінальний кодекс України від 05.04.2001 р. *Відомості Верховної Ради України (ВВР)*. 2001. № 25-26. ст. 131.