

DOI <https://doi.org/10.32782/2956-333X/2025-1-4>

LEGAL ASPECTS OF PROTECTING BURIAL SITES AND HUMAN REMAINS: A CRIMINAL-LEGAL ANALYSIS IN UKRAINE

Oleksandr Bereznikov,

*Graduate student of the Department of National, International Law and Law Enforcement Activities
of Kherson State University, Ukraine
orcid.org/0000-0003-4797-8797
alexander.bereznikov@gmail.com*

Summary. The article provides a comprehensive criminal-legal analysis of the elements of the criminal offense stipulated in Article 297 of the Criminal Code of Ukraine, which concerns the desecration of burial sites, graves, bodies (remains, ashes) of the deceased, as well as the unlawful appropriation of items located in these places. Attention is given to the objective and subjective aspects of this offense, as well as an analysis of its qualified elements provided in parts two, three, and four of Article 297 of the Criminal Code of Ukraine. The term "desecration" and its criminal-legal significance are examined, considering a wide range of actions that fall under this concept. It is established that criminal liability for desecration encompasses actions aimed at insulting the memory of the deceased, damaging burial sites, defiling the bodies of the deceased, or using their remains for unlawful purposes, including acts of necrophilia. The article reviews diverse judicial practices illustrating the specifics of identifying and qualifying such offenses. For example, cases of damage to grave structures, theft of items from burial sites for profit, and acts of dismemberment of bodies for ritualistic or other purposes are presented. Particular attention is paid to the issue of terminological ambiguity in criminal legislation, specifically the term "unlawful appropriation." The article analyzes modern scientific approaches to interpreting this concept, its etymology, and legal significance. It is emphasized that the term "appropriation" in the context of Article 297 of the Criminal Code of Ukraine has a specific meaning that differs from ordinary offenses against property, as it targets objects with symbolic and social significance. Furthermore, the importance of distinguishing acts of desecration from ordinary damage or destruction of property is highlighted. It is noted that actions qualified under Article 297 of the Criminal Code of Ukraine always have a demonstrative nature, aimed at insulting the religious, social, or moral-ethical values of society. The study reveals the psychological aspects of criminal behavior, particularly the motives and goals of offenders who commit desecration of graves and the bodies of the deceased. Specific proposals for improving current legislation are provided. In particular, it is proposed to clearly define the concepts of "desecration" and "appropriation of property located in burial sites," as well as to develop detailed recommendations for their qualification.

Keywords: desecration, burial sites, bodies of the deceased, criminal offense, unlawful appropriation, necrophilia, criminal liability, judicial practice.

1. Introduction

The objective side of the criminal offense provided for in Article 297 of the Criminal Code of Ukraine is quite diverse, as it essentially encompasses two separate criminal offenses. Firstly, it includes criminal actions against a grave, another burial site, or the body (remains, ashes) of a deceased person. Secondly, it involves criminal actions against the burial sites of heroes of Ukraine from different times.

Moreover, the first part of the examined criminal-legal norm specifies two types (variations) of criminal behavior: "desecration of a grave, another burial site, the body (remains, ashes) of a deceased person, or an urn containing the ashes of a deceased person; unlawful possession of the body (remains, ashes) of a deceased person, an urn containing the ashes of a deceased person, or items located on (in) the grave, another burial site, or on the body (remains, ashes) of the deceased." The second part specifies two types (variations) of criminal behavior: "desecration or destruction of a mass grave or the grave of the Unknown Soldier, a monument erected in memory of those who fought against..."

The third and fourth parts provide for qualified compositions of actions covered by the previous parts of this article. Thus, the main (key) feature of the objective side of the act provided for in Article 297 of the Criminal Code of Ukraine is a socially dangerous act expressed in the desecration of a grave, another burial site, the body (remains, ashes) of a deceased person, or an urn containing the ashes of a deceased person, as well as in the unlawful possession of the body (remains, ashes) of a deceased person, an urn containing the ashes of a deceased person, or items located on (in) the grave, another burial site, or on the body (remains, ashes) of the deceased (Part 1, Article 297 of the Criminal Code of Ukraine). It also

includes the desecration or destruction of a mass grave or the grave of the Unknown Soldier, a monument erected in memory of those who fought against... (Part 2, Article 297 of the Criminal Code of Ukraine).

As a component of the objective side of a criminal offense, such an act must meet a set of characteristics that give it criminal-legal significance. This means that it must be "a specific, conscious, and volitional act of human behavior, as well as socially dangerous and unlawful" (Baulin, Stashys, Tatsii, & others, 2010: 368).

The purpose of our article is to study the objective side of the criminal offense provided for in Article 297 of the Criminal Code of Ukraine, focusing on the analysis of the criminal offense specified in the first part of this article. This offense involves the desecration "of a grave, another burial site, the body (remains, ashes) of a deceased person, or an urn containing the ashes of a deceased person, as well as the unlawful possession of the body (remains, ashes) of a deceased person, an urn containing the ashes of a deceased person, or items located on (in) the grave, another burial site, or on the body (remains, ashes) of the deceased."

2. The Objective Side of the Criminal Offense Under Article 297 of the Criminal Code of Ukraine

The Law of Ukraine "On Burial and Funeral Affairs" (Verkhovna Rada of Ukraine, 2003a) provides a fairly detailed definition of desecration of the specified objects. Article 2 of this Law defines desecration of a grave or another burial site as follows:

"unauthorized creation of inscriptions, symbols, or drawings on cemetery structures intended for conducting funeral and memorial ceremonies, on gravestones, urns with ashes, crypts, graves, or other burial sites; unlawful damage, destruction, excavation, or any other destruction of structures on cemetery grounds intended for conducting funeral and memorial ceremonies, on gravestones, urns with ashes, crypts, graves, or other burial sites; the use of cemetery and gravestone structures, crypts, urns with ashes, graves, or other burial sites, or the commission of other actions for purposes not provided for by current legislation, or their unauthorized use in a manner that demonstrates disrespect for the familial or societal memory of the deceased, contempt for the burial site, and violation of societal, religious principles, and traditions in this sphere" (Verkhovna Rada of Ukraine, 2003a).

An example of such actions can be found in judicial practice. On November 17, 2018, G., while at the Central Cemetery in the city of Sumy, entered the burial site of A., P., and R., where he intentionally, violating public order out of motives of clear disrespect for society, disregarding morality in the sphere of respectful treatment of the deceased and their burial sites, as well as the honor and dignity of the deceased, broke one section of the metal fence surrounding a grave. During the court hearing, G. fully admitted his guilt and explained that on the specified day and time mentioned in the indictment, he was walking home from work through the Central Cemetery in Sumy. He saw the grave and broke one section of the metal fence, after which he was detained by the patrol police (Zarichnyi District Court of Sumy, 2019).

Desecration, as a term defining criminal actions, encompasses a fairly broad spectrum of actions directed at various material objects. Criminal liability arises only for actions that meet the criteria of desecration targeting a limited set of specific objects: graves, other burial sites, or the bodies of deceased individuals (Article 297 of the Criminal Code of Ukraine). The legislator in the Criminal Code of Ukraine does not provide an official definition of the term "desecration," merely listing the corresponding objects and methods of committing such criminal actions. Similarly, the above-mentioned Article 2 of the Law of Ukraine "On Burial and Funeral Affairs" does not reveal the meaning of this term but describes possible ways of committing such desecration.

Scholars attempt to address this gap by proposing various approaches to interpreting the term "desecration." For instance, desecration is defined as "offensive treatment, crude mockery, or a demonstration of contempt for the burial site or the ashes of the deceased" (Navrotskyi, 2000), or "any actions that insult the memory of the deceased" (Potebenko & Honcharenko, 2001), among others.

A separate analysis should focus on the desecration of the body of a deceased individual. Article 2 of the Law of Ukraine "On Burial and Funeral Affairs" defines desecration of a body (remains, ashes) of a deceased person as "the commission of indecent intentional actions in relation to the body (remains, ashes) of the deceased, including deliberate indecent actions over the body (remains, ashes), unauthorized

removal of clothing from it, relocation to another place, dismemberment, or destruction of the body (remains, ashes); committing an act of necrophilia; using parts of the buried body for rituals or other purposes not provided for by current legislation; as well as other actions aimed at disrespecting familial or societal memory of the deceased, demonstrating negative attitudes toward them, insulting the relatives and loved ones of the deceased, and showing contempt for societal and religious principles and traditions in this sphere" (Verkhovna Rada of Ukraine, 2003a).

It is important to emphasize that actions such as pathological autopsy, forensic examination, organ or tissue removal for transplantation, exhumation, and similar procedures are not criminally punishable under Article 297 of the Criminal Code of Ukraine, provided that the body is treated with respect.

Criminals, on the other hand, during active actions involving the dismemberment of a corpse, use sharp cutting tools such as knives, axes, and saws to make incisions in the skin and cut through bones, allowing them to separate limbs, the head, and other organs from the torso, as well as to divide the torso itself. They may also use physical force to strike parts of the corpse.

When committing such actions, offenders may be motivated by a sudden impulse caused by their psycho-emotional state or mental disorders. They may also have the intent to use body parts for various purposes, including those specified in Article 2 of the Law of Ukraine "On Burial and Funeral Affairs" (Verkhovna Rada of Ukraine, 2003a).

3. The Subjective Side and Motives of Criminal Behavior

Actions aimed at mutilating the body of a deceased person may result from mental disorders or a sudden change in psycho-emotional state (for example, when violent actions by another person provoke a murder with particular cruelty and subsequent abuse of the body). During active actions aimed at mutilating a corpse, the perpetrator, using appropriate tools, inflicts damage on the victim's body. After completing the process of mutilation, the offender may decide either to destroy the corpse or to take no measures to conceal their criminal offense.

Regarding acts of necrophilia, during the commission of sexual acts with the body of a deceased person, the offender may be driven by sadistic tendencies, mental disorders, or a sudden desire triggered by the influence of alcohol or drugs. In such cases, the offender's goal is personal sexual gratification. During the preparation for committing the criminal offense, the offender creates conditions in which the victim's body ends up near them, for example, by first committing the victim's murder. After this, the offender engages in sexual contact with the body in various forms recognized as sexual acts. After completing the sexual acts, the offender may decide either to destroy the corpse or to take no measures to conceal their criminal offense.

Sometimes, in crematoriums, after the farewell ceremony with the deceased and before cremation, the coffin is opened. In such cases, clothing and valuable items of the deceased, and sometimes even the coffin itself, may be removed. Thus, desecration can include actions that do not directly involve the body of the deceased but violate established burial norms and rules.

In judicial practice, there is sometimes an opinion that desecration is only possible concerning the bodies of deceased individuals who have not yet been buried. However, while most cases of desecration of bodies occur shortly after death, criminal law imposes no restrictions on the time or place where desecration of a body may occur. Therefore, there is no basis to claim that it is impossible to desecrate a body that was buried many years ago. Desecration of a body is possible as long as the body of the deceased physically exists.

Thus, the concept of desecration of a grave, another burial site, or the body of a deceased person includes various actions that violate established traditions, customs, and burial procedures, as well as demonstrate disrespect for the familial or societal memory of the deceased, a negative attitude toward the deceased, or a desire to insult the relatives and loved ones of the deceased. Desecration of a grave or another burial site as an active action includes unauthorized creation of inscriptions, drawings, or other images, damage, excavation, destruction, or demolition of cemetery structures, using them for purposes not provided for by law, or other similar actions. Desecration of the body (remains, ashes) of a deceased person as an active action includes committing indecent intentional actions, removing clothing, relocating, dismembering, destroying, committing an act of necrophilia, using body parts for ritual or other

unlawful purposes, or other similar actions.

4. Problems of Terminology and Proposals for Improving Legislation

The interpretation of the action specified in Part 1 of Article 297 of the Criminal Code of Ukraine – "unlawful possession of items located on (in) a grave, at another burial site, on the body, remains, or ashes of the deceased" – is ambiguous. Some scholars believe that such actions do not affect property relations (Bezuhlyi, 2017); others argue that such encroachments occur only when the property has an owner, and in such cases, they should be qualified in conjunction with the articles of Chapter VI of the Special Part of the Criminal Code of Ukraine (Horb, 2005: 13; Kuchanska, 2009: 220). Still, other scholars are convinced that possession of such items always violates property rights and propose removing the corresponding provisions from Article 297 of the Criminal Code of Ukraine (Dorokhina, 2016: 202; Kuznetsov, 2011: 176).

Scholars frequently criticize the ambiguous use of the term "possession of property" (Maksymovych, n.d.). This criticism is entirely justified, as the lack of a clear definition of this concept in legislation creates uncertainty regarding its scope. In addition to the term "possession" as a form of property encroachment, other similar terms are used in the Criminal Code of Ukraine, such as theft, misappropriation, seizure, looting, and robbery. This raises the question: do all these forms of encroachment fall under the concept of "possession," or should they be considered separately?

The answer to this question determines how we understand "possession" in cases where this term is used independently, such as in Part 1 of Article 297 of the Criminal Code of Ukraine.

To clearly define the meaning of the analyzed term, let us consider its etymology.

The term "possession" is closely related to the concept of "ownership", which has a specific legal meaning. According to Article 397 of the Civil Code of Ukraine, "the possessor of another's property is the one who actually holds it" (Verkhovna Rada of Ukraine, 2003b). In specialized literature, there are various interpretations of this term. For example, the terminological dictionary "Legal Regulation of Property Relations" states that "ownership is the ability of a person to have property under their direct physical or legal control, the actual retention of an item within their sphere of economic or other influence" (Nestertsova-Sobakar, 2017: 25). Other sources note that "ownership is the assignment of material goods to specific owners, the actual retention of an item within their sphere of economic influence" (Tereshchenko, 2009).

In judicial practice, this term is interpreted as actual physical control over property, which implies full physical control by the owner or lawful possessor (lawful possession), as well as without proper legal title (unlawful possession) (Supreme Court of Ukraine, 2019; Khodyko, 2020: 241).

Scientific sources interpret the concept of possession of another's property quite broadly. For instance, R. L. Maksymovych emphasizes that in situations where the criminal law does not specify which socially dangerous actions are included in the concept of "possession," limiting it to fraud and abuse of official position would be too narrow an interpretation. He also notes that this concept should be interpreted literally and systematically, although what exactly is meant by this is not entirely clear (Maksymovych, 2017: 322).

S. S. Syrovatka points out that the term "possession of property" is much broader and includes not only "misappropriation of entrusted or controlled property" but also other methods of unlawfully obtaining any property belonging to others (Syrovatka, 2020: 140).

Unlawful possession should be interpreted as obtaining control over property.

Unlawful possession means that a person takes property under their physical control without proper legal grounds. Such control allows the individual to use the property for their own needs or the needs of others, dispose of it at their discretion, or simply retain it without taking any further actions. The key element is the ability to dispose of the property, for example, transferring it to others. If such an ability is absent (e.g., using enterprise equipment for personal purposes without removing it from the enterprise, using official transport without actually withdrawing it from the legal entity's resources, or physically occupying premises without changing ownership), this does not constitute full control and is not considered possession.

Additionally, the property must belong to someone else, meaning it must be owned by another person or be in their unlawful possession. This distinction helps differentiate unlawful possession from the unlawful creation of items (e.g., weapons, drugs, etc.). Furthermore, possession of property must occur against the will of the owner or possessor, or without considering their will. This helps distinguish unlawful

possession from the unlawful acquisition of property.

It is also important that the actions must be unlawful, meaning prohibited by legal norms, as legislation provides for cases of lawful seizure or establishment of control over the property of an individual or legal entity. Moreover, only intentional possession of property is considered unlawful. As an example, a case from judicial practice. On June 5, 2020, C., being on the territory of the village cemetery in Okhramiievychi, Koriukivskyi district, Chernihiv region, consciously aware of the unlawful nature of his actions, foreseeing and desiring the occurrence of negative consequences, and pursuing selfish motives, disregarding the moral foundations of society, respect for the deceased and their burial sites, secretly, by means of free access, unlawfully took possession of a crucifix figurine with LEDs, a figurine of the Virgin Mary with LEDs, and a figurine of the Virgin Mary without LEDs from the burial site of E. and N., intending to use them later in his home. The intentional actions of C. were qualified by the pre-trial investigation body as desecration of a burial site with selfish motives, namely: illegal possession of items located at a burial site with selfish motives, which constitutes a criminal offense under Part 3 of Article 297 of the Criminal Code of Ukraine (Koriukivskyi District Court of Chernihiv Region, 2021).

In our opinion, illegal possession of another's property should be understood as intentional actions carried out against the will of the owner or actual possessor, or without considering their will, and consisting of establishing full physical control over property that belongs to another physical or legal entity or is in the unlawful possession of another person. These actions allow the use and disposal of the property at one's own discretion. Such possession may involve the physical relocation of the property or be carried out without such relocation. Illegal possession may have selfish motives as well as other motives and goals. Based on this, both secret and open theft can be considered types of illegal possession of items located on (in) a grave, at another burial site, on the body, remains, or ashes of the deceased.

5. Conclusions

Thus, if we systematize various scientific approaches, the main features that define desecration as a specific type of unlawful influence on objects of the material world can be identified. These features can be conditionally divided into objective characteristics, which describe the methods of committing desecration, as well as the specific features of the objects mentioned in Article 297 of the Criminal Code of Ukraine, over which such actions are committed, and subjective characteristics, which include the goals and motives for committing desecration, such as demonstrating a negative attitude toward the burial site or the deceased; the desire to insult the relatives of the deceased; or expressing contempt for societal and religious principles and traditions in this sphere. It is precisely the presence of such subjective and objective characteristics that allows certain actions to be classified as "desecration."

Unlawful possession of another's property should be understood as intentional actions that involve the unlawful establishment of full physical control over the property of another person. This allows the perpetrator to use and dispose of the property at their discretion, including its relocation or without such relocation (unlawful seizure and appropriation). In the context of Article 297 of the Criminal Code of Ukraine, this may include the theft of a body (remains, ashes) with the intent to demand ransom for their return, as well as the dismantling and sale of fences, monuments, slabs, wreaths, flowers, or lamps located at the burial site, or the appropriation of valuable items that are part of the burial.

Bibliography

1. Baulin, Yu. V., Stashys, V. V., Tatsii, V. Ya., & others. (2010). *Kryminalne pravo Ukrainy: Osoblyva chastyna* (4th ed., revised and supplemented). Kharkiv: Pravo. (Baulin, Yu. V., Stashys, V. V., Tatsii, V. Ya., & others. (2010). *Criminal Law of Ukraine: Special Part: Textbook* (4th ed., revised and supplemented). Kharkiv: Pravo).
2. Verkhovna Rada of Ukraine. (2003). Pro pokhovannia ta pokhoronnu spravu: Zakon Ukrainy vid 10 lypnia 2003 r. № 1102-IV. Retrieved January 12, 2024, from <https://zakon.rada.gov.ua/laws/show/1102-15> (Verkhovna Rada of Ukraine. (2003). *On Burial and Funeral Affairs: Law of Ukraine dated July 10, 2003, No. 1102-IV*. Retrieved January 12, 2024, from <https://zakon.rada.gov.ua/laws/show/1102-15>).
3. Zarichnyi District Court of Sumy. (2019). Vyroky po spravi № 591/641/19 vid 24 kvitnia 2019 roku. Yedynyi derzhavnyi reistr sudovykh rishen. Retrieved August 12, 2022, from <https://reyestr.court.gov.ua/Review/81380684> (Zarichnyi District Court of Sumy. (2019). *Judgment in Case No. 591/641/19 dated April 24, 2019. Unified State Register of Court Decisions*. Retrieved August 12, 2022, from <https://reyestr.court.gov.ua/Review/81380684>).
4. Navrotskyi, V. O. (2000). *Kryminalne pravo Ukrainy. Osoblyva chastyna: Kurs lektsii*. Kyiv: T-vo «Znannia».

- KOO. (Navrotskyi, V. O. (2000). *Criminal Law of Ukraine. Special Part: Course of Lectures*. Kyiv: T-vo "Znannia," KOO).
5. Potebenko, M. O., & Honcharenko, V. H. (Eds.). (2001). *Naukovo-praktychnyi komentar do Kryminalnoho kodeksu Ukrainy. Ch. 2. Osoblyva chastyna*. Kyiv: Forum. (Potebenko, M. O., & Honcharenko, V. H. (Eds.). (2001). *Scientific and Practical Commentary on the Criminal Code of Ukraine. Part 2. Special Part*. Kyiv: Forum).
 6. Bezuhlyi, L. A. (2017). Obiektivni oznaky zlochyntu, peredbachenogo stateiu 297 KK Ukrainy. *Formuvannia natsionalnoi pravovoi systemy Ukrainy v konteksti yevrointehratsiinykh protsesiv*, 42–44. Retrieved April 7, 2024, from http://elar.naiau.kiev.ua/bitstream/123456789/3943/180_p043-045.pdf (Bezuhlyi, L. A. (2017). *Objective features of the crime provided for in Article 297 of the Criminal Code of Ukraine. Formation of the National Legal System of Ukraine in the Context of European Integration Processes*, 42–44. Retrieved April 7, 2024, from http://elar.naiau.kiev.ua/bitstream/123456789/3943/180_p043-045.pdf).
 7. Horb, N. O. (2005). *Naruha nad mohyluiu: Kryminalno-pravovy ta kryminolohichniy analiz* (PhD dissertation abstract). Kyiv. (Horb, N. O. (2005). *Desecration of a Grave: Criminal-Legal and Criminological Analysis* (PhD dissertation abstract). Kyiv).
 8. Kuchanska, L. S. (2009). Reformuvannia zakonodavstva – vazhlyvyi napriam aprobatsii naukovykh doslidzhen. *Pravova derzhava*, (11), 218–221. (Kuchanska, L. S. (2009). *Legislative reform – an important direction for testing scientific research. Legal State*, (11), 218–221).
 9. Dorokhina, Yu. A. (2016). *Zlochynty proty vlasnosti: Teoretyko-pravove doslidzhennia* (Monograph). Kyiv. (Dorokhina, Yu. A. (2016). *Crimes Against Property: Theoretical and Legal Study* (Monograph). Kyiv).
 10. Kuznetsov, V. V. (2011). Kryminalna vidpovidalnist za naruha nad mohyluiu, inshym mistsem pokhovannia abo nad tilom pomerloho za zakonodavstvom krain kolyshnoho SRSR. *Yurydychna nauka*, (3), 173–177. (Kuznetsov, V. V. (2011). *Criminal liability for desecration of a grave, other burial site, or the body of a deceased person under the legislation of former USSR countries. Legal Science*, (3), 173–177).
 11. Maksymovych, R. L. (n.d.). Normy pro posiahannia na vlasnist. *IV Lvivskiy forum kryminalnoi yustytzii: Zbirnyk materialiv mizhnarodnoi naukovo-praktychnoi konferentsii*, 116–120. Lviv. (Maksymovych, R. L. (n.d.). *Norms on encroachments on property. IV Lviv Forum on Criminal Justice: Collection of Materials from the International Scientific and Practical Conference*, 116–120. Lviv).
 12. Verkhovna Rada of Ukraine. (2003). Tsyvilnyi kodeks Ukrainy: Zakon Ukrainy vid 16 sichnia 2003 roku. Retrieved February 27, 2024, from <https://zakon.rada.gov.ua/laws/show/435-15#Text> (Verkhovna Rada of Ukraine. (2003). *Civil Code of Ukraine: Law of Ukraine dated January 16, 2003*. Retrieved February 27, 2024, from <https://zakon.rada.gov.ua/laws/show/435-15#Text>).
 13. Nestertsova-Sobakar, O. V. (Ed.). (2017). *Pravove rehuliuвання vidnosyn vlasnosti: Terminolohichniy slovnyk*. Dnipro: Dnipropetrovskiy derzhavnyi universytet vnutrishnikh sprav. Retrieved March 19, 2024, from <http://er.dduvs.in.ua/bitstream/123456789/1388/1> (Nestertsova-Sobakar, O. V. (Ed.). (2017). *Legal regulation of property relations: Terminological dictionary*. Dnipro: Dnipro State University of Internal Affairs. Retrieved March 19, 2024, from <http://er.dduvs.in.ua/bitstream/123456789/1388/1>).
 14. Tereshchenko, S. I. (2009). Pryvatyzatsiia yak mekhanizm transformatsii form vlasnosti. *Natsionalne hospodarstvo Ukrainy: Teoriia ta praktyka upravlinnia*, 277–284. (Tereshchenko, S. I. (2009). *Privatization as a mechanism for transforming forms of ownership. National Economy of Ukraine: Theory and Practice of Management*, 277–284).
 15. Verkhovnyi Sud Ukrainy. (2019). Postanova kasatsiinoho hospodarskoho sudu Verkhovnoho Sudu u spravi № 926/1288/18 vid 05 chervnia 2019 roku. *Yedynyi derzhavnyi reistr sudovykh rishen*. Retrieved March 9, 2024, from <https://reyestr.court.gov.ua/Review/82426179> (Supreme Court of Ukraine. (2019). *Ruling of the Cassation Commercial Court of the Supreme Court in Case No. 926/1288/18 dated June 5, 2019. Unified State Register of Court Decisions*. Retrieved March 9, 2024, from <https://reyestr.court.gov.ua/Review/82426179>).
 16. Khodyko, Yu. Ye. (2020). Shchodo osoblyvosti pravovoho rezhymu obiekta volodinnia. *Pravo i suspilstvo*, (2), 237–244. (Khodyko, Yu. Ye. (2020). *On the features of the legal regime of an object of ownership. Law and Society*, (2), 237–244).
 17. Maksymovych, R. L. (2017). Pro poniattia «zavolodinnia» v Kryminalnomu kodeksi Ukrainy. *Visnyk Lvivskoho derzhavnoho universytetu vnutrishnikh sprav. Seriia yurydychna*, (2), 317–324. (Maksymovych, R. L. (2017). *On the concept of "possession" in the Criminal Code of Ukraine. Bulletin of the Lviv State University of Internal Affairs. Legal Series*, (2), 317–324).
 18. Syrovatka, S. S. (2020). *Kryminalna vidpovidalnist za pryvlasnennia, roztratu maina abo zavolodinnia nym shliakhom zlovzhyvannia sluzhbovym stanovyshchem, vchyneni u spivuchasti* (PhD dissertation). Kyiv. (Syrovatka, S. S. (2020). *Criminal liability for misappropriation, embezzlement of property, or taking possession of it through abuse of official position, committed in complicity* (PhD dissertation). Kyiv).
 19. Koriukivskiy Raiionnyi Sud Chernihivskoi Oblasti. (2021). Vyroky po spravi № 736/1289/20 vid 22 liutoho 2021 roku. *Yedynyi derzhavnyi reistr sudovykh rishen*. Retrieved August 12, 2022, from <https://reyestr.court.gov.ua/Review/95057107> (Koriukivskiy District Court of Chernihiv Region. (2021). *Judgment in Case No. 736/1289/20 dated February 22, 2021. Unified State Register of Court Decisions*. Retrieved August 12, 2022, from <https://reyestr.court.gov.ua/Review/95057107>).