



## COURSE UNIT (MODULE) DESCRIPTION

| Course unit (module) title                | Code |
|---|------|
| <b>QUALIFICATION OF CRIMINAL OFFENCES</b> |      |

| Lecturer(s)   | Department(s)  |
|---|--|
| <b>Coordinator:</b> assist. dr. Daryna Yevtieieva<br><b>Other(s):</b> | Vilnius University, Faculty of Law, Center of Ukrainian Law<br>Saulėtekio av. 9, Building 1, LT-10222, Vilnius,<br>e-mail: evteeva.dar@gmail.com |

| Study cycle | Type of the course unit (module) |
|-------------|----------------------------------|
| First       | Optional                         |

| Mode of delivery | Course unit delivery period     | Language(s) of instruction |
|------------------|---------------------------------|----------------------------|
| Online           | 7 (autumn)/ 8 (spring) semester | Ukrainian                  |

| Requirements for students  |                                     |
|--|-------------------------------------|
| <b>Pre-requisites:</b> „Criminal Law. General Part“ and „Criminal Law. Special part“ | <b>Co-requisites (if any):</b> none |

| Number of credits allocated | Total student's workload | Contact hours | Self-study hours |
|-----------------------------|--------------------------|---------------|------------------|
| 5                           | 133                      | 32            | 101              |

| Purpose of the course unit (module): programme competences to be developed   |  |                                   |
|--|--|-----------------------------------|
| The aim of the course is to develop students' knowledge of the rules and features of criminal law assessment of acts under current legislation on criminal liability, abilities to qualify criminal offences and solve related practical problems. |  |                                   |
| Learning outcomes of the course unit (module)  | Teaching and learning methods  | Assessment methods                |
| Students will be able to apply the rules of qualification of criminal offenses: committed in complicity, completed and incomplete, in their multiplicity, in competition and conflict of norms, in case of error of the offender.                  | A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, discussions), individual studies (critical literature reading)    | Examination in written and orally |
| Students will know how to use the legal positions of the Supreme Court, as well as the practice of the European Court of Human Rights when qualifying criminal offenses  | A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, discussions), individual studies (critical literature reading)    | Examination in written and orally |
| Students will be able to apply methods (means) of interpretation of the law on criminal liability.   | A problematic method of teaching during lectures and seminars (case analysis, working in group, discussions), individual studies (critical literature reading)                 | Examination in written and orally |
| Students will be able to distinguish between criminal offenses, as well as distinguish them from civil and administrative offenses.  | A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, case analysis), individual studies (critical literature reading). | Examination in written and orally |

| Content: breakdown of the topics                                     | Contact hours |               |          |                    |                       |                           | Self-study: hours and assignments |                  |   |
|--|---------------|---------------|----------|--------------------|-----------------------|---------------------------|-----------------------------------|------------------|---|
|  | Lectures      | Consultations | Seminars | Practical sessions | Laboratory activities | Internship/work placement | Contact hours                     | Self-study hours | Assignments   |
| 1. Criminal qualification: a concept, grounds, principles and stages | 2             |               | 1        |                    |                       |                           | 3                                 | 10               | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |

|  |           |  |           |  |  |  |  |           |            |   |
|--|-----------|--|-----------|--|--|--|--|-----------|------------|---|
| 2. Qualification of unfinished criminal activity   | 2         |  | 1         |  |  |  |  | <b>3</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 3. Qualification of criminal offenses committed in complicity  | 2         |  | 2         |  |  |  |  | <b>4</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 4. Qualification of the multiplicity of criminal offenses  | 2         |  | 2         |  |  |  |  | <b>4</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 5. Qualification of criminal offenses in competition and conflict of criminal law  | 2         |  | 1         |  |  |  |  | <b>3</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 6. Qualification of criminal offenses at mistakes of an offender   | 2         |  | 1         |  |  |  |  | <b>3</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 7. Errors in qualification of criminal offenses. Change of criminal law qualification  | 2         |  | 2         |  |  |  |  | <b>4</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 8. Qualification of certain criminal offenses against life and health of a person  | 1         |  | 1         |  |  |  |  | <b>2</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 9. Qualification of certain criminal offenses against property   | 1         |  | 1         |  |  |  |  | <b>2</b>  | <b>10</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| 10. Qualification of certain criminal offenses in the field of official activity and professional activity related to the provision of public services | 2         |  | 2         |  |  |  |  | <b>4</b>  | <b>11</b>  | Reading academic literature and main legal sources. Analysis of relevant cases in the court practice. |
| <b>Total</b>   | <b>18</b> |  | <b>14</b> |  |  |  |  | <b>32</b> | <b>101</b> |   |

| Assessment strategy                  | Weight, percentage | Assessment period              | Assessment criteria  |
|--------------------------------------|--------------------|--------------------------------|--|
| Examination in written and oral form | 100                | During the examination session | <p>Two open-ended questions in written for which students are expected to provide a detailed answer and demonstrate the advanced theoretical knowledge of the issues studied during the course and conceptual understanding and analysis of the complexities of qualifications of criminal offences regulatory framework – max. 6 points.<br/>Additional questions orally related to the written part of examination – max. 4 points (up to 15 minutes).</p> <p>Final exam is evaluated by the 10 points assessment criteria for the final evaluation:</p> <ul style="list-style-type: none"> <li>• 10 points (excellent), excellent knowledge and abilities;</li> <li>• 9 points (very good), strong, good knowledge and abilities;</li> <li>• 8 points (good), better than average knowledge and abilities;</li> <li>• 7 points (average), average knowledge and abilities, with minor mistakes;</li> <li>• 6 points (satisfactory), knowledge and abilities are lower than medium, includes some mistakes;</li> <li>• 5 points (weak), knowledge and abilities satisfies minimal requirements;</li> <li>• 4-1 points – unsatisfactory.</li> </ul> |

| Author                    | Year of publication | Title   | Issue of a periodical or volume of a publication | Publishing place and house or web link  |
|---------------------------|---------------------|---|--|---|
| <b>Compulsory reading</b> |                     |   |  |   |
| Навроцький В. О.          | 2009                | Основи кримінально-правової кваліфікації: навчальний посібник | 2  | Юрінком Інтер;<br><a href="http://adhdportal.com/book_1574.html">http://adhdportal.com/book_1574.html</a> |
| Ус О. В.                  | 2018                | Теорія та практика кримінально-правової                       |  | Право;<br><a href="https://shron1.chtyvo.org.ua/Us_Olha/">https://shron1.chtyvo.org.ua/Us_Olha/</a>       |

|  |      |  |       |   |
|--|------|--|-------|---|
|  |      | кваліфікації : лекції.   |       | Teoriia_ta_praktyka_kryminalno-pravovoi_kvalifikatsii.pdf?  |
| Робоча група з питань розвитку кримінального права (Баулін Ю. В., Навроцький В. О. та ін.) | 2022 | Кримінальний кодекс України (проект). Розділ 2.10. Кримінально-правова кваліфікація                    |       | <a href="https://newcriminalcode.org.ua/upload/media/2022/02/18/kontrolnyj-projekt-kk-18-02-2022.pdf">https://newcriminalcode.org.ua/upload/media/2022/02/18/kontrolnyj-projekt-kk-18-02-2022.pdf</a>   |
| Дудоров О.О., Хавронюк М.І.  | 2014 | Кримінальне право: навчальний посібник   |       | Baite;<br><a href="https://www.osce.org/files/f/document/s/8/9/358166.pdf">https://www.osce.org/files/f/document/s/8/9/358166.pdf</a>   |
| Мельник М. І., Хавронюк М. І.  | 2010 | Науково-практичний коментар Кримінального кодексу України  | 7     | Юридична думка;<br><a href="https://jurisprudence.club/pravo-ugolovnoe/naukovo-praktichnyy-komentar-kriminalnogo.html">https://jurisprudence.club/pravo-ugolovnoe/naukovo-praktichnyy-komentar-kriminalnogo.html</a>  |
| Слуцька Т. І.  | 2018 | Правові висновки Верховного Суду України у кримінальних провадженнях (справах)                         |       | Юридичний Інтернет-ресурс;<br><a href="https://protocol.ua/ru/pravovi_visnovki_verhovnogo_sudu_ukraini_u_kriminalnih_provadzenniah_(spravah)/">https://protocol.ua/ru/pravovi_visnovki_verhovnogo_sudu_ukraini_u_kriminalnih_provadzenniah_(spravah)/</a>   |
| Горох О. П.  | 2017 | Практика застосування Верховним Судом України положень Загальної частини Кримінального кодексу України |       | Центр учбової літератури;<br><a href="https://newcriminalcode.org.ua/upload/media/2020/09/22/praktyka-zastosuvannya-vsu-polozhen-zagalnoyi-chastyny-kku-2017-goroh-1.pdf">https://newcriminalcode.org.ua/upload/media/2020/09/22/praktyka-zastosuvannya-vsu-polozhen-zagalnoyi-chastyny-kku-2017-goroh-1.pdf</a>  |
| Горох О. П.  | 2017 | Практика застосування Верховним Судом України положень Особливої частини Кримінального кодексу України |       | Центр учбової літератури;<br><a href="https://newcriminalcode.org.ua/upload/media/2020/07/27/praktyka-zastosuvannya-vsu-polozhen-osoblyvoyi-chastyny-kku-2017-goroh-1-1.pdf">https://newcriminalcode.org.ua/upload/media/2020/07/27/praktyka-zastosuvannya-vsu-polozhen-osoblyvoyi-chastyny-kku-2017-goroh-1-1.pdf</a>  |
| Баулін Ю. В., Борисов В. І., Тютюгін В. І. та ін   | 2010 | Кримінальне право України: Особлива частина: підручник   | 4     | Право;<br><a href="https://library.nlu.edu.ua/POLN_TEXT/KNIGI-2010/UgolovPravoOsob.pdf">https://library.nlu.edu.ua/POLN_TEXT/KNIGI-2010/UgolovPravoOsob.pdf</a>   |
| Дудоров О. О., Письменський Є. О. та ін.   | 2012 | Кримінальне право (Особлива частина): підручник  | Т. 1. | Елтон-2;<br><a href="http://dudorov.com.ua/images/download/kniga-kriminalne-pravo-osobлива-chastina-tom-1.pdf">http://dudorov.com.ua/images/download/kniga-kriminalne-pravo-osobлива-chastina-tom-1.pdf</a>   |
| <b>Recommended reading</b>   |      |  |       |   |
| Кузнецов В. В., Савченко А. В.   | 2007 | Теорія кваліфікації злочинів: підручник  | 2     | КНТ;<br><a href="https://library.nlu.edu.ua/POLN_TEXT/KNIGI-2010/KUZNECOV_2007.pdf">https://library.nlu.edu.ua/POLN_TEXT/KNIGI-2010/KUZNECOV_2007.pdf</a>   |
| Баулін Ю. В., Борисов В. І., Тютюгін В. І. та ін.  | 2010 | Кримінальне право України: Загальна частина: підручник   | 4     | Право;<br><a href="https://library.nlu.edu.ua/POLN_TEXT/KNIGI-2010/UgolovPravoZag.pdf">https://library.nlu.edu.ua/POLN_TEXT/KNIGI-2010/UgolovPravoZag.pdf</a>   |
| Васильєв А. А., Гладкова Є. О., Житний О. О. та ін.  | 2020 | Кримінальне право України. Загальна частина: підручник   |       | Харківський національний університет внутрішніх справ;<br><a href="http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/10088/Kryminalne%20pravo%20Ukrainy_Zahalna%20chastyna_pidruchnyk_KhNUVS_2020.pdf?sequence=1&amp;isAllowed=y">http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/10088/Kryminalne%20pravo%20Ukrainy_Zahalna%20chastyna_pidruchnyk_KhNUVS_2020.pdf?sequence=1&amp;isAllowed=y</a> . |
| Коржанський М. Й.  | 2007 | Кваліфікація злочинів: навчальний посібник   | 3     | Атіка;<br><a href="http://194.44.152.155/elib/local/sk603519.pdf">http://194.44.152.155/elib/local/sk603519.pdf</a>   |
| Навроцький В. О.   | 2020 | Кримінально-правова кваліфікація   |       | <a href="https://newcriminalcode.org.ua/upload/media/2020/11/09/navrotskyj-v-o-prezentatsiya-kryminalno-pravova-kvalifikatsiya.pdf">https://newcriminalcode.org.ua/upload/media/2020/11/09/navrotskyj-v-o-prezentatsiya-kryminalno-pravova-kvalifikatsiya.pdf</a>   |