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DOI 10.36074/logos-04.04.2025.009

CRIMINAL LIABILITY FOR THE CORRUPTION OF MINORS: DOCTRINAL, PROCEDURAL, AND CRIMINOLOGICAL ASPECTS

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The issue of criminal liability for the corruption of minors belongs to an extremely sensitive and socially significant area of criminal law regulation. One of the key aspects of its understanding is the clarification of the elements of this crime, both from the standpoint of legal doctrine and through the lens of modern judicial practice. In particular, it is the correct understanding of the object, the objective side, the subject, and the subjective side that allows for clear differentiation of crimes under Article 156 of the Criminal Code of Ukraine from related sexual offenses, helps avoid law enforcement errors, and ensures an adequate level of protection of the victim's rights.

In my research, I have emphasized that one of the main circumstances determining the increased social danger of corruption is the age-based vulnerability of victims and their inability to adequately resist immoral encroachments by adults [1, p. 138–146]. When analyzing the subjective side of the offense, it should be noted that corruption of a minor always presupposes the presence of direct intent, which shapes its high moral reprehensibility. I have also drawn attention to the fact that when the victim is a minor, it is crucial to consider not only the legal but also the psychological understanding of the degree of awareness and the influence of the situation on their behavior [2, p. 153–159].

The concept of the subject of the crime also requires careful theoretical analysis. In particular, S. Shkola, in his work on embezzlement through abuse of office, offers an interpretation of the subject as a legally capable person who may bear criminal liability for their actions [3, p. 94–98]. This position is also applicable to the subject in cases of corruption of minors.

The issue of qualification must be seen not merely as a technical-legal action, but as an essential part of law enforcement requiring a comprehensive assessment of both objective and subjective factors. M. Kravets convincingly argues that qualification reflects not only the alignment of factual circumstances with legal norms but also the level of legal culture and professionalism of law enforcement officials [4, p. 110–116].

Despite doctrinal development, difficulties persist in qualifying certain forms of this crime. In some cases, the offender's actions are misclassified as less dangerous administrative offenses. According to Kravets, one of the main reasons is the lack of proper understanding of the nature of the offense and the absence of unified methodological approaches to legal classification [5, p. 44–48]. An additional layer of complexity arises in judicial practice. As noted by Ye. O. Yakovenko, the effectiveness of court proceedings largely depends on the court's ability to thoroughly analyze all components of the offense and to ensure adequate procedural safeguards for the victim [6, p. 109–115].

The increasing public sensitivity to crimes involving sexual exploitation of minors calls for a rethinking of law enforcement strategies. I. Nalyvaiko emphasizes that the state must guarantee an effective system for protecting vulnerable groups through legal coherence, fairness, and doctrinal precision [7]. The complexity of counteracting the corruption of minors lies not only in doctrinal understanding but also in the accurate legal qualification and proper procedural regulation of such acts. The structure of criminal procedural norms, including the formulation of their dispositions, plays a decisive role in ensuring legal certainty, predictability, and effective protection of the rights of all participants, especially minors. The quality of procedural dispositions directly affects the application of criminal procedural law. It has been noted that certain types of procedural norms are atypical in structure and require additional doctrinal clarification to function properly in cases involving the protection of minors' rights [8, p. 146–156; 9, p. 219–222]. Special attention is also paid to the use of definitional norms in the new Criminal Procedure Code of Ukraine, which must be interpreted in line with the principle of the best interests of the child [10, p. 153–157].

In the context of law enforcement practice, it is important to address the issue of professional responsibility of legal representatives involved in such sensitive cases. Inadequate legal assistance or conflict of interest may lead to violations of the procedural rights of minors, thus jeopardizing the fairness of the entire process [11]. Another aspect of procedural regulation is the consideration of public attitudes toward punishment and clemency. These perceptions influence both the legislative process and judicial discretion in cases where moral values and societal expectations play a role [12, p. 18–19]. The mechanisms of enforcement of court

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decisions also affect the efficiency of combating offenses against minors. There is a need to ensure clarity in the procedural powers of executive authorities, particularly in terms of access to enforcement tools and legal limitations [13, p. 153–164]. Moreover, special attention should be given to procedural safeguards in the application of administrative arrest of property, especially in cases where minors or their guardians may be involved in the proceedings [14, p. 273–280]. Altogether, the procedural dimension of countering corruption of minors must rest on clear doctrinal foundations, legal responsibility of all involved professionals, procedural safeguards, and public accountability. These components form the backbone of a justice system capable of adequately protecting the rights and interests of the most vulnerable — children.

An effective strategy for countering the corruption of minors requires a comprehensive criminological understanding of the offender's personality and behavior patterns. It is essential to identify key determinants and risk factors contributing to such criminal behavior, which often stems from a combination of psychological, social, and situational variables. These findings should guide both preventive strategies and individual prevention measures. The implementation of criminological research into the practice of law enforcement agencies remains one of the critical components of modern legal policy. This includes the development of typologies of offenders and the application of scientifically grounded recommendations for profiling and monitoring high-risk individuals [15]. Particular attention should be paid to international experience. The application of administrative practices from foreign jurisdictions in the activities of national police bodies opens up additional opportunities for building proactive prevention systems and early response mechanisms to the risks of crimes against children [16].

New threats also arise in the digital space. At the initial stage of investigating crimes, especially those involving minors, the ability to promptly detect and qualify illegal activities involving digital tools and social media platforms becomes essential [17, p. 141–150]. Public oversight in this area must also be ensured. Transparent procedures and accountability mechanisms for institutions working with minors can significantly reduce the risks of secondary victimization and unlawful pressure on victims [18, p. 14–17]. At the same time, the reform of social guarantees and the formation of a clear, effective system of legal protection for children and other vulnerable groups is impossible without adequate legal regulation. The system must provide not only formal guarantees but also effective tools for restoring rights and supporting victims [19, p. 494–509]. To ensure real and not declarative protection, it is necessary to embed the state's proactive function into criminal and administrative policy. This involves recognizing and responding to social danger not only retrospectively but also preventively, through long-term strategies of legal influence and support [20; 21].

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