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Establishment of international legal regulation on the criminal-legal combat against domestic violence

Становлення міжнародно-правового регулювання з кримінально-правової протидії домашньому насильству

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Written by:

Oksana Stepanenko¹<https://orcid.org/0000-0003-4677-9868>**Andriy Stepanenko²**<https://orcid.org/0000-0001-8824-2212>**Vitalii Boichenko³**<https://orcid.org/0000-0002-1938-4943>**Oleksandra Pavlova⁴**<https://orcid.org/0009-0005-2815-337X>

Abstract

The issue of combating domestic violence is one of the most important in today's conditions, both in Ukraine and throughout the world, because violence (including domestic violence) is recognized as violating human rights. In order to improve the situation and implement mechanisms for combating domestic violence at the international level, a system of the international legal protection of the rights of victims of domestic violence and combating domestic violence has been created. The purpose of the work is to assess and study the provisions of international legal acts aimed at combating domestic violence. The research methodology is a complex of methods: historical, comparative-legal, descriptive, systemic-structural, dogmatic, sociological and modeling, induction and deduction, and philosophical method. An analysis of the features of the emergence and development of international legal regulation in the field of combating domestic violence was carried out, in particular, the system and features of individual international acts regarding the detection and response to cases of domestic violence are considered. Also, the criminal law regulations regulating the fight against domestic violence were analyzed. Attention is drawn to the development and experience of the criminal-

Анотація

Питання протидії домашньому насильству є одним із найважливіших в умовах сьогодення як в Україні, так і в усьому світі, адже насильство (в тому числі домашнє насильство) визнане як таке, що порушує права людини. З метою покращення ситуації та впровадження механізмів протидії домашньому насильству на міжнародному рівні створено систему міжнародно-правового забезпечення прав жертв домашнього насильства та протидії домашньому насильству. Метою роботи є оцінка та вивчення положень міжнародних нормативно-правових актів, які направлені на протидію домашньому насильству. Методологією дослідження становить комплекс методів: історичний, порівняльно-правовий, описовий, системно-структурний, догматичний, соціологічний і моделювання, індукції та дедукції та філософський метод. Результати дослідження. У результаті дослідження здійснено аналіз особливостей виникнення та розвитку міжнародно-правового регулювання у сфері протидії домашньому насильству, зокрема, розглядається система та особливості окремих міжнародних актів щодо виявлення та реагування на випадки домашнього насильства. Також, проаналізовано кримінально-правові норми,

¹ Ph. D., Associate Professor of Department of Criminal Law of National University «Odessa Law Academy», Ukraine.

² Ph. D., Associate Professor of Department of Criminal Procedure, Detective and Search Activities of National University «Odessa Law Academy», Ukraine.

³ Ph. D., Associate Professor of Department of Criminal Law of National University «Odessa Law Academy», Ukraine.

⁴ Assistant Professor of Department of Criminal Law of National University «Odessa Law Academy», Ukraine.



legal response to domestic violence in the international community and its transformation in modern conditions. The possible directions of the development of international legal regulation regarding the criminal legal response to domestic violence in Ukraine and the world have been determined.

Keywords: domestic violence, international protection, criminal law countermeasures, international legal regulation, crime.

Introduction

Violence has existed as long as humanity has existed, and unfortunately, its use is a common way for many people to solve their daily problems. It is enough to mention the Biblical story about Cain and Abel, which is the first case in human history of violence, moreover, between family members. For a long time, the problem of violence in the family remained outside the scope of legal regulation and was solved at the expense of existing customs and traditions. Any interference in family relations by society or the state was unacceptable and violated private life. However, in the last hundred years, and especially in the last decade, the issue of combating domestic violence has become particularly relevant both at the level of states and regions and at the international level. Currently, there is a deep awareness of the inadmissibility of such violence, which is a gross violation of human rights. Currently, there are many international legal acts, the subject of which is the issue of preventing domestic violence.

Therefore, this article analyzes the international legal acts regulating the issue of combating domestic violence. Attention is drawn to the peculiarities of the development and retrospective of the consolidation and criminalization of certain issues regarding domestic violence at the international level. Thus, the article highlights the provisions of the Universal Declaration of Human Rights (United Nations, 1948), which enshrines the main guarantees for ensuring human rights, the International Covenant on Civil and Political Rights (United Nations, 1966a), which ensures equal provision for men and women of the right to enjoy all economic, social and cultural rights and other acts that establish general provisions on human rights and their guarantees.

які регламентують протидію домашньому насильству. Звернено увагу на розвиток та досвід кримінально-правової протидії домашньому насильству в міжнародній спільноті та його трансформацію у сучасних умовах. Визначено можливі напрями розвитку міжнародно-правового регулювання щодо кримінально-правової протидії домашньому насильству в Україні та світі.

Ключові слова: домашнє насильство, міжнародний захист, кримінально-правова протидія, міжнародно-правове регулювання, злочин.

Separately, the research revealed the peculiarities of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (United Nations, 1979), the UN Convention on the Rights of the Child (United Nations, 1989), the Vienna Declaration and Program of Action of June 25, 1993 (United Nations, 1993), the Council of Europe (2011) Convention on the Prevention of Violence against Women and Domestic Violence and other acts.

The authors of the article set themselves the goal of answering the main question of this study: has an effective legal model for combating domestic violence been formed? At the same time, we are talking not only about the national level, but also about the international legal level, since the general principles of combating domestic violence are universal and should be established at the international level and serve as a model for every civilized state.

The study of the above-mentioned documents, conditions, and factors that contributed to their adoption helped to understand the formation of the regulation of criminal-legal counteraction to domestic violence at the international level and to reveal general patterns regarding the ways of consolidating the fight against this phenomenon.

Theoretical Framework or Literature Review

General provisions on the prevention of violence against women and domestic violence are covered in the work of Banasiuk and Stepkovski (2018).

The concept, essence, and causes of violence in the family are analyzed in the work of Botnarenko (2016). In particular, the author revealed the meaning and essence of the concepts

of "violence" and "family violence" as socially dangerous acts directed against the will of the persons against whom they are used. The author singles out the signs by which, in the author's opinion, it is possible to distinguish this type of violence from others (domestic, gender, household) and summarizes the reasons that lead to violence in the family: social; economic; psychological; pedagogical; legal; political; physiological and medical.

Galai (2013) investigated the prospects for improving the national practice of combating violence in the family based on the experience of Anglo-Saxon countries. The problem of domestic violence and its consolidation in the legislation of Ukraine and foreign countries is revealed in the work of Hrynkiv (2018).

Modern aspects of legal regulation of prevention and counteraction of corruption are analyzed in the work of Zuyeva and Prystup (2020). The author concluded that currently there is a quite powerful mechanism for preventing and countering domestic violence in Ukraine. The author notes the need to increase educational activities that can help citizens learn to recognize the signs of violence, understand the risks and threats associated with it, and seek help from relevant services.

The grounds for establishing criminal liability for domestic violence are analyzed in the work of Luhina and Bilko (2021). The authors' work traces the history of the development of international legal norms in this area. In particular, the authors analyzed the main acts of soft law at the world level and also analyzed a number of international legal acts of a recommendatory nature at the European level.

The problem of criminalization of domestic violence is revealed in the work of Melyankov (2020). In particular, the research points out the problematic issues of defining domestic violence as a criminal act.

The criminal law counteraction to domestic violence in some countries of the European Union became the object of research by Mytnyk (2019). Thus, the author has researched the experience of criminal legal counteraction to domestic violence in such countries of the European Union as Great Britain, France, Germany, and Poland. The criminal law norms of these countries, which regulate the fight against domestic violence, are considered. Pyvovarov and Illina (2018) also conducted a criminological

analysis of legislation on the prevention and counteraction of domestic violence.

In the work of Romenskyi (2004), the general provisions of national and international legislation regarding domestic violence and ways to overcome it are considered.

Savinova (2021) analyzed domestic violence from the standpoint of criminal offenses against human dignity. The experience of the United States in the field of combating domestic violence and the possibility of its introduction in Ukraine is studied in the work of Skakun (2019). The international experience of combating domestic violence is revealed in the work of Shugalo (2022). The researcher concluded that the problem of domestic violence is worldwide, and therefore, at the international level, work is constantly ongoing to improve the means of combating this socially dangerous phenomenon. The success of the implementation of the tasks, first of all, depends on the effectiveness of the legislation of each state and the adoption of appropriate measures by the state authorities to counteract manifestations of violence in the family. Also, specific issues of domestic violence are revealed in the work of Bonita C. Meyersfeld (2012).

As can be seen from the above analysis of the legislation, the issue of criminalization of domestic violence and the regulation of international courts on this issue arouses interest among scientists. However, unfortunately, a comprehensive analysis of the development of international legal regulation of criminal law counteraction to domestic violence was not conducted. This causes interest and relevance of research.

Methodology

The methodological base of the research includes a number of methods of scientific knowledge, which in their totality allowed to answer the main question regarding the formation of an effective legal model of combating domestic violence at the national and international levels. Below we will consider how each of the research methods used helped us achieve the research objective.

With the help of the historical method, it was possible to highlight the peculiarities of the formation of international legal regulation on criminal-legal counteraction to domestic violence at various stages of the state's historical development, as well as to argue the need for further scientific research.

The use of the comparative legal method made it possible to determine the content and essence of criminal law norms and institutions, as well as the characteristics of the criminal policy of the state or interstate groups. In particular, this method made it possible, taking into account the international experience of foreign countries, to investigate the regulation of combating domestic violence in different countries and to propose ways to improve the specified criminal law practice in Ukraine.

A descriptive method was used to outline concepts in the field of international legal regulation of domestic violence. The specified method helped to characterize the functioning of international legal protection against domestic violence in different time periods. In addition, this method helped to understand the role played by international legal institutions to ensure rights and protection against domestic violence, both at the international and national levels.

The system-structural method made it possible to analyze criminal-legal concepts, in particular for an in-depth study of normative provisions that determine the essence of the criminal-legal characteristics of domestic violence. Thus, the use of this method in the process of researching issues of criminal responsibility for domestic violence made it possible to outline the internal constructions of norms and the relationship and interdependence of their elements both within and with other criminal law concepts and categories.

The use of the dogmatic method of research is connected, in particular, with establishing the content of legal norms and legal prescriptions, clarifying the regularities of the operation of the law using the rules of legal logic. Its main task is to comment on criminal law and the practice of its application. It is based on the laws of logic and syntax and is used during the systematization of international criminal law norms, the definition of terms, and the interpretation of concepts. This method provides an opportunity to analyze the norm of criminal law in view of compliance with the rules of legislative technique, the construction of the disposition and sanctions of this norm, to identify shortcomings, and to study the ways of improving the international legal regulation on combating domestic violence.

The use of the sociological method helped to establish how social conditions, phenomena, and factors influenced the formation of the international legal protection of human rights in relation to domestic violence.

A significant role in the conducted research was played by the use of the modeling method. Thus, the use of the modeling method made it possible to identify the mechanisms of functioning and preliminary consideration of the results of changes and impacts and to formulate proposals for the current legislation of Ukraine regarding criminal liability for domestic violence.

A review of the legal doctrine regarding the international legal regulation of criminal counteraction to domestic violence at the philosophical level made it possible to understand that the basis and criterion of criminal law (as well as any other) is the natural right of a person, its naturalness and inalienability are established both in the international and in national constitutional law.

In addition, the method of induction was applied - in order to obtain a general conclusion based on formal and logical inferences, as well as the method of deduction - during the identification and characterization of criteria for differentiation and establishment of criminal liability for domestic violence.

Results and Discussion

In order to understand the peculiarities of the legal model of combating domestic violence at the international level, it is worth analyzing the normative legal acts of an international nature, containing the relevant norms, in chronological order.

The Preamble to the Universal Declaration of Human Rights of December 10, 1948 states that recognition of the dignity inherent in all members of the human family and their equal and inalienable rights is the basis of freedom, justice, and universal peace.

It is fair to say that the Universal Declaration of Human Rights enshrines the guiding provisions on human rights and the inviolability of the individual. At the same time, the relationship to violence as an acute social problem is monitored. Also at this time, the understanding is that violence is not limited to physical, sexual, and psychological harm, but can manifest itself in intimidation, suffering, coercion, and deprivation of freedom.

In turn, the International Covenant on Economic, Social, and Cultural Rights of December 16, 1966 (United Nations, 1966b), stipulates that the states participating in this Covenant undertake to ensure equal rights for men and women to enjoy

all the economic, social, and cultural rights provided for in this Covenant.

These international acts are quite important in matters of personal protection from domestic violence, but they are more general in nature.

But all these above-mentioned legislative acts are basically aimed at ensuring human rights to counteract manifestations of violence.

At the same time, the issue of combating domestic violence was not resolved at the above-mentioned stage. So, in general, combating domestic violence is a system of measures carried out by executive authorities, local self-government bodies, enterprises, institutions, organizations, etc., aimed at stopping domestic violence, providing assistance and protection to the victim, compensating for the damage caused to him, as well as providing adequate investigating cases of domestic violence, bringing offenders to justice and changing their behavior.

Activation of legislative regulation of protection of persons from domestic violence in most countries of the world began after the General Assembly of the United Nations declared 1975 as the year of women. Thus, in 1975, the first-ever World Conference on the Status of Women was held in Mexico. And a few years later, namely on December 18, 1979, the General Assembly of the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter - the Convention on the Elimination of Discrimination against Women) - an international treaty that is described as an international "bill of rights" for women. The adoption of the Convention on the Elimination of Discrimination, among other things, is due to the need to take into account the importance of the contribution of women to the well-being of the family and to the development of society, which until now has not received full recognition, the social significance of motherhood and the role of both parents in the family and in raising children and realizing that a woman's role in reproduction should not be a reason for discrimination, since raising children requires the joint responsibility of men and women and the entire society as a whole. Also, important provisions of the Convention on the Elimination of Discrimination, among others, are the provisions provided for in Article 16, according to which the obligation of the participating states to guarantee the right of women to marry only with their free and full consent is established. (UN Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW or Women's Convention) dated 18.12.1979).

It is worth noting that many states have implemented the norms of the above-mentioned international legal acts into their national legislation.

Considering that children (persons under the age of 18) are quite often victims of domestic violence, it is important that the authors of the UN Convention on the Rights of the Child of November 20, 1989, provided that the participating states take all necessary legislative, administrative, social and educational measures in order to the protection of the child from all forms of physical and psychological violence, abuse or abuse, lack of care or negligent and brutal treatment and exploitation, including sexual abuse, by parents, legal guardians or any other person concerned about the child.

The next stage in the established need to confront the problems of domestic violence was the holding of the World Conference on Human Rights from June 14 to 25, 1993 in Vienna, as a result of which the Vienna Declaration and the Action Program were adopted on December 20, 1993 (the UN Declaration on the Elimination of Violence against Women).

The Vienna Declaration established that the rights of women and girls are an integral, integral and indivisible part of general human rights.

It is quite important that the Vienna Declaration emphasizes the importance of working to eliminate violence against women in public and private life.

In addition to the analyzed international legal acts, there are also many international documents that are of a recommendatory nature regarding combating domestic violence.

These acts of international legislation establish the general principles of prevention of domestic violence and also determine the direction of the state's policy in the field of combating this phenomenon.

The signing on May 11, 2011 (entered into force on August 1, 2014) of the Council of Europe Convention on Preventing and combating violence against Women and domestic violence (the Istanbul Convention) was definitely a landmark event in terms of combating domestic violence. The Istanbul Convention became the

first legally binding document in Europe on this issue and the largest international agreement in terms of the scope of legal regulation of the relevant issue.

The Convention reflects the concept of gender-based violence. This means that violence against women is a form of discrimination based on gender, and that is why states have a duty to combat all forms of discrimination against women.

The Convention enshrines the principle of due diligence on the part of the state (due diligence principle), according to which states must actively take the necessary legislative and other measures to prevent violence against women, investigate, punish, and provide compensation for acts of violence.

At this stage of the development of social relations, the fight against domestic violence is needed more than ever. Although all EU member states address violence against women and domestic violence in legislation, the scope and implementation vary considerably across the bloc. Currently, there is no specific legal instrument at the EU level. The EU Gender Equality Strategy 2020-2025 found that gender-based violence and harassment have reached alarming levels, and are under-reported, under-addressed, and ignored (United Nations, 2011).

At the same time, gender-based and domestic violence remains a common phenomenon in Europe, especially for women and girls. Most EU countries have laws against violence against someone based on gender or sexual orientation, but the lack of a single definition of gender-based violence and general rules to address this problem perpetuates the problem. That is why the European Parliament has repeatedly called for the adoption of new EU legislation in this area.

To better tackle gender-based violence in all EU countries, MEPs called on the European Commission in September 2021 to make it a crime under EU law, alongside terrorism, human trafficking, cybercrime, sexual exploitation, and money laundering. This would allow the introduction of uniform legal definitions, standards, and minimum criminal penalties throughout the EU. Among the actions to be punished, the Parliament lists cyber-harassment; cyberstalking; violation of privacy; recording and distribution of images of sexual violence; remote control or surveillance (including spyware); threats and calls for violence; sexist hate speech; tendency to self-harm; illegal access

to messages or accounts in social networks; violation of communication bans imposed by the court; and human trafficking. Completing the EU's accession to the Istanbul Convention of the Council of Europe on preventing and combating violence against women and domestic violence remains a political priority.

As can be seen from the above, the formation and development of international legal mechanisms for criminal and legal counteractions to domestic violence have been ongoing for the past 100 years, changing and developing. Despite the changes in legal regulation, it can be argued that all of them were aimed at better ensuring human rights and combating cruel, inhumane treatment and domestic violence.

Conclusions

As a result of the conducted research on the development of international legal regulation on criminal-legal counteraction to domestic violence, the following conclusions were made:

1. A significant part of international law regarding the problem of domestic violence is made up of soft law norms. International legal norms contain enough prohibitions and principles that have been transformed over the past 30 years, and yet the Universal Declaration of Human Rights dated December 10, 1948, the International Covenant on Civil and Political Rights dated December 16, 1966, the International Covenant on Economic, Social and cultural rights from 16.12.1966 contain the fundamental legal principles that the family itself should be under the special protection of the state, as well as that no one should be subjected to treatment that degrades his dignity.
2. The understanding of the problem of violence, the victims of which are women, was revealed in the Vienna Declaration and Action Program of 06.25.1993, as well as in the UN Declaration on the Eradication of Violence against Women of 12.20.1993. The adoption of a number of recommendations in Europe regarding violence against women created prerequisites for the adoption of the Istanbul Convention, which was recently ratified by Ukraine and establishes important standards for combating domestic violence and combating these phenomena.
3. The indisputable positive point of the presence of international law-making on combating domestic violence is that the world community recognizes this problem

and expresses the need to confront it by various means, including criminal law. Undoubtedly, the very fact of the adoption of the specified international acts did not become a panacea for solving all problems in the field of combating domestic violence. Currently, the difficult path of implementing the provisions of the specified acts in the legislation of the countries of the world, as well as the complex process of law enforcement, continues. Also, currently, there are many problematic practical aspects that need to be solved, and therefore the study of issues related to criminal responsibility for domestic violence is important and relevant.

Further scientific research will be directed to the study of problematic issues of regulation of criminal-legal response to domestic violence, both at the international and national levels.

Bibliographic references

- Banasiuk, J., & Stepkovski, O. (2018). Council of Europe Convention on preventing and combating violence against women and domestic violence: doctrinal foundations. *Legal Ukraine*, 5-6, 4-13. Retrieved from <https://acortar.link/FWPksl>
- Botnarenko, I.A. (2016). Violence in the family: concepts, essence and causes of occurrence. *Bulletin of the Luhansk State University of Internal Affairs named after E.O. Didorenko*, 2, 37-47. Retrieved from <https://journal.lduvs.lg.ua/index.php/journal/article/view/417>
- Council of Europe. (2011). On preventing of violence against women and domestic violence: Convention No. 210. Retrieved from <https://rm.coe.int/168008482e>
- Galai, A.O. (2013). Prospects for improving the national practice of combating family violence: the experience of Anglo-Saxon countries. Kyiv: Istina.
- Hrynkiv, O.O. (2018). Is Domestic Violence a Problem in Stereotypes or Legislation? *Bulletin of the Southern Regional Center of the National Academy of Legal Sciences of Ukraine*, 15, 178-184. Retrieved from <https://acortar.link/9mKS4w>
- Luhina, M.A., & Bilko, I.P. (2021). Criminalization of Domestic Violence: Soft Law and the Road to the Istanbul Convention. *Legal scientific electronic journal*, 6, 158-162. Retrieved from http://www.lsej.org.ua/6_2021/45.pdf
- Melyankov, V.S. (2020). Issues of criminalization of domestic violence. *International multidisciplinary scientific journal "KOGOS". The art of scientific thought*, 10, 91-99. Retrieved from <https://ojs.ukrlogos.in.ua/index.php/2617-7064/article/view/799>
- Meyersfeld, B.C. (2012). Introductory Note to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence. *International Legal Materials*. Published by Cambridge University Press, 51(1), 106-132. Retrieved from <https://www.jstor.org/stable/10.5305/intelegamate.51.1.0106?seq=1>
- Musiienko, O., Kapustnyk, V., Arbeláez-Encarnación, T. F., Rojas-Bahamón, M. J., & Arbeláez-Campillo, D. F. (2022). The global economic crisis against the background of the war in Ukraine: Current realities and prospects for overcoming. *Amazonia Investiga*, 11(59), 141-150. <https://doi.org/10.34069/AI/2022.59.11.13>
- Mytnyk, U.M. (2019). Criminal legal response to domestic violence in selected countries of the European Union. *Scientific notes of NaUKMA. Legal sciences*, 3, 83-87. Retrieved from <https://acortar.link/pQTbVj>
- Pyvovarov, V.V., & Illina, A.V. (2018). Criminological analysis of the legislation on prevention and combating domestic violence. *Comparative and analytical law*, 1, 280-284. (In Ukrainian)
- Romensky, G.I. (2004). Domestic violence and ways to overcome it. Actual problems of modern science in the research of young scientists, 5, 74-78.
- Savinova, N.A. (2021). Violence against a person - criminal offenses against human dignity. *Bulletin of the Criminal Law Association of Ukraine*, 2(16), 122-138. Retrieved from <http://vakp.nlu.edu.ua/article/download/244431/244917>
- Shugalo, A.Ya. (2022). International experience of combating domestic violence. *Law and society*, 4, 373-377. Retrieved from http://pravoisuspilstvo.org.ua/archive/2022/4_2022/54.pdf
- Skakun, I.V. (2019). US experience in combating domestic violence and the possibility of its implementation in Ukraine. *Legal Bulletin*, 11(2), 220-226. Retrieved from http://www.lawbulletin.oduvs.od.ua/archive/2019/11/part_2/30.pdf
- United Nations. (1948). General Declaration of Human Rights. Retrieved from Retrieved from

- https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf
- United Nations. (1966a). International Covenant on Civil and Political Rights. Retrieved from <https://acortar.link/uDLicX>
- United Nations. (1966b). International Covenant on Economic, Social, and Cultural Rights. Retrieved from <https://acortar.link/EkQotB>
- United Nations. (1979). Convention on the Elimination of All Forms of Discrimination against Women (CEDAW or Women's Convention). Retrieved from <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- United Nations. (1989). Convention on the Rights of the Child dated November 20, 1989. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- United Nations. (1993). Declaration on the Elimination of Violence against Women. Retrieved from <https://www.arraid.org/en/node/2796>
- United Nations. (2011). Standards of providing social services to persons who have suffered from family violence: international experience and recommendations for Ukraine. Kyiv: Friendly World. Retrieved from https://gender.org.ua/images/lib/standarty_soc_poslug.pdf
- Zuyeva, I.I., & Prystup, V.M. (2020). Modern aspects of legal regulation of prevention and countermeasures against domestic violence in Ukraine. *Legal Scientific Electronic Journal*, 3, 229-233. Retrieved from http://www.lsej.org.ua/3_2020/57.pdf