

Rethinking the features of the object of a criminal offence in the digital age

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Abstract. The paper develops the author's concept of "rheme" as a new optional feature of the object of a criminal offence. The initial position of the study is the recognition that the contemporary criminal law theory, built on materialistic ideas about the subject of a criminal offence, loses its explanatory power in the conditions of digitalisation, virtualisation, and dematerialisation of public life. Offences in the field of information technology, cybersecurity, digital assets, and in the field of intellectual activity often do not have a material subject in the classical sense, but cause real damage to protected social values. This necessitates an update of the theoretical model of the composition of a criminal offence. Based on linguistic and semiotic concepts and interdisciplinary approaches, a three-level model of the object of the composition of a criminal offence was proposed: social relations (basic level), subject (material level), and rheme (semantic or non-material level). This model provided a holistic coverage of both material and informational forms of socially dangerous influence. The result of the research was the formulation of the concept of rheme of a criminal offence as a semiotic category that reflects the transition of criminal law thinking from the material to the informational and semantic level. Influence on rheme was interpreted as an informational or energetic form of illegal action that changes the state of social relations without physical contact with material objects. As a result, it was proved that the introduction of rheme into the system of optional features of the object of the composition of a criminal offence deepens the methodology of criminal law, expands its conceptual framework, and contributes to the adaptation of the criminal law doctrine to the realities of digital civilisation. The concept of rheme opens up new opportunities for the qualification of crimes in cyberspace and forms the basis for further development of the semiotic information paradigm of criminal law science

Keywords: criminal law; elements of the crime; subject; rheme; non-material phenomena; semiotics of law; information reality

Introduction

The current stage of development of criminal law science is characterised by the search for new approaches to understanding the basic concepts that form the structure of the composition of a criminal offence. Simultaneously, the structure and dynamics of crime is characterised by an increase in the number of those criminal offences that encroach on intangible goods – cryptoassets, energy, information, digital rights and data. The traditional doctrine of the subject of a criminal offence, which is focused on things of the material world, is conceptually unable to adequately cover such objects of influence, which gives rise to conflicts in qualification and differences in law enforcement practice. Under these conditions, there is a need for a new scientific category that will be able to fill the doctrinal gap between the classical model of crime composition and the realities of digital and post-industrial crime. The relevance of the study of the rheme of a criminal offence is also conditioned the active implementation in Ukrainian legislation of European approaches to the criminal legal protection of intangible

benefits that do not fit into the traditional construction of the subject of a criminal offence. From a practical standpoint, a clear distinction between "subject" and "rheme" will improve the accuracy of qualification, ensure legal certainty and prevent an expanded interpretation of criminal prohibitions. In theoretical terms, the development of the category "rheme of a criminal offence" will contribute to updating the conceptual framework of criminal law and the development of an adequate model of the composition of a criminal offence in the context of digital transformation of society.

The question of the content and scope of the concept of "subject of crime" has long attracted the attention of scientific communities. The researchers have repeatedly drawn attention to the fact that the so-called "intangible benefits" do not fully fit into the category of the subject of crime, and have looked for various ways to solve this problem. A. Aliieva (2021) investigating the concept, types, meaning of the subject of a criminal offence concluded that the subject of a criminal offence should be recognised as an object *tangible*

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or intangible world, by creating any influence on which subject commits encroachment on the object of criminal legal protection. O. Kryshevich & I. Roschyna (2022) explicitly recognised the economic value of cryptocurrency and its intangible nature, while keeping it within the scope of the crime. O. Pchelina (2022) analysed the criminal procedure regulation of the concept of “electronic assets obtained by criminal means”, focusing on the problem of their identification, arrest and proof of origin, and came to the conclusion that electronic assets do not correspond to the classical features of things in the material world, but act as an independent value, in respect of which the criminal result is implemented. I. Dolianovska & K. Kryvenko (2024) analysed the foreign experience of countering criminal offences related to the turnover of virtual assets, with an emphasis on criminal law and criminal procedure mechanisms and came to the conclusion that virtual assets in most law enforcement agencies are recognised as an independent object of criminal legal protection, regardless of their material form. I. Shchehlakov (2025), when considering the problem of terminological differentiation of cryptoassets, cryptocurrencies, virtual assets, and electronic money in the process of qualifying criminal offences against property, noted that the lack of clear terminological unification leads to errors in the qualification and mixing of intangible objects that are different in legal nature. In fact, it was emphasised that such objects are not things, but act as the focus of criminal encroachment. T. Ovsichuk (2025), investigating the theoretical and legal aspects of the definition of virtual assets as the subject of illicit enrichment, justified that virtual assets may constitute the result of illicit enrichment, but their attribution to the subject of a crime is conditional and doctrinally vulnerable. It was concluded that there is a need for a broader theoretical approach to non-material objects of criminal legal influence. V. Shtanko (2025), defining the subject of a criminal offence in the field of intellectual property, stated that this is not a thing of the material world, and noted that the embodiment of an invention (an object of industrial property) in a specific equipment or device, or the fixation in the phonogram of a musical work reproduced on any medium, allowed perceiving them by the senses. But in this case, it is not the equipment or information carrier that is subject to criminal protection.

H. Wang (2023), reflecting on the judicial dilemma of combating crimes against virtual property, noted that a large number of criminal precedents regarding crimes against virtual property give rise to problems of both theoretical and practical nature, including those related to the conceptual boundaries and legal attributes of virtual property. L. Lee (2024) examined the complex legal landscape surrounding digital assets by analysing how they are defined and regulated across jurisdictions, and concluded that cryptocurrencies and non-fungible tokens (NFTs) are increasingly integrated into the global economy, their intangible nature creating unique challenges for traditional ownership concepts that require a reassessment of legal definitions and ownership structures. The study by O. Sewell *et al.* (2024) conducted a semiotic analysis of the terms asset, token, and coin in the discourse of blockchain technologies, finding that there are no stable and consistent meanings of these concepts in professional and regulatory environments. The researchers show that terminological fragmentation creates regulatory uncertainty in the field of digital asset regulation. For

criminal law, this is of particular importance, since the vagueness in determining the legal nature of digital assets makes it difficult to qualify acts (fraud, money laundering, misappropriation), determine the subject of the crime, and establish the object of criminal protection, which directly affects the principles of legal certainty and *nullum crimen sine lege*.

These studies are evidence of extreme tension in the traditional doctrine of the subject of crime; they clearly demonstrate that the subject of a criminal offence actually loses its material nature. This confirms the tendency to expand the object structure of crimes at the expense of intangible assets. I. Hazdayka-Vasylyshyn (2024) proposed the concept of supplementing this element of the composition of a criminal offence with a new optional feature – the rheme of a criminal offence, which should reflect all non-material phenomena, through the influence of which damage can be caused to those public relations that are protected by the criminal law.

Further development of this idea requires an in-depth analysis of the theoretical, methodological, and applied aspects of understanding of the “rheme” in the structure of the composition of a criminal offence, its relationship with other elements of the object, and the possibilities of practical application of this category in the context of digitalisation, information economy, and transformation of ideas about materiality and non-materiality in law. This paper is devoted to these issues, aimed at developing and concretising the previously put forward concept of rheme as a new feature of the composition of a criminal offence, capable of providing a more adequate reflection of the realities of contemporary legal existence. Rheme is considered not as an alternative to the subject, but as its semantic continuation.

The purpose of the study was to substantiate the need to introduce into the structure of the object of the composition of a criminal offence a new optional feature – rheme, which would cover non-material phenomena (information, energy, digital code, results of intellectual activity, etc.), through the impact on which significant harm can be caused.

Materials and methods

The theoretical research was carried out within the framework of the doctrinal paradigm of criminal law based on the theory of the composition of a criminal offence and the concept of the object and subject of a crime developed in Ukrainian criminal law science. The theoretical framework of the study was the provisions on the composition of a criminal offence, understanding the subject of a crime as a thing of the material world, and current approaches to understanding digital and virtual assets. The study also considered the concepts of criminal legal protection of intangible goods and approaches to determining the object of encroachment in cases related to cybercrime. B.-J. Koops (2012) was one of the first to outline cyberspace as an independent challenge for criminal law science. It was this intention – a critical rethinking of the terminology and the boundaries of criminal law analysis in the context of technological transformation – that determined the logic and methodological optics of this research.

The methodological basis was a complex of general scientific and special legal methods of cognition. The formal and logical method (analysis, synthesis, induction, deduction) was used to construct the author’s definition of the rheme of a criminal offence, formulate its features, and distinguish it from related categories (object of crime, subject of crime, means of committing a crime). Using the system

and structural method, the place of rheme in the structure of the composition of a criminal offence was investigated and its functional significance in the mechanism of criminal legal protection was determined. The comparative legal method was used to analyse international standards and foreign approaches to criminalising encroachments on intangible assets, in particular, in the field of digital assets. The hermeneutical method was used to interpret regulatory provisions and judicial practice in cases where harm was caused without a classical material carrier. The sequence of the study included: analysis of doctrinal approaches to determining the subject of a crime; identification of cases in which non-material objects actually act as the focus of criminal encroachment; research of normative and judicial practice; formulation of the author's concept of rheme and its theoretical substantiation. The methodological basis of the research was a complex of interdisciplinary approaches that combine the tools of classical criminal law theory with the achievements of semiotics, information philosophy, and cognitive jurisprudence. This approach allowed not only expanding the conceptual framework of criminal law, but also to identifying new epistemological bases for its development in the context of rapid digitalisation.

Results and discussion

Evolution of the concept of the subject of a criminal offence: from materiality to non-materiality. The concept of the subject of a criminal offence traditionally occupied a clearly defined place in the system of elements of the composition of a crime (and later – the composition of a criminal offence). In the Ukrainian criminal law doctrine, it was considered as material things of the external world, which are directly affected by the criminal, causing harm or creating a threat of harm to the object of criminal law protection. Such an approach corresponded to the classical positivist methodology, which was based on the idea of materiality as a mandatory prerequisite for reality. However, during the 2010s and 2020s, this approach began to lose its universality. The rapid development of information technologies, digital environments, artificial intelligence, electronic communication, and the virtual economy has called into question the ability to describe crime solely through material categories (Demydova, 2015; Aliieva, 2021). The reality of the contemporary world is not only things that have a physical form, but also information processes, digital codes, energy influences, algorithms, network structures that can cause real harm to social values without having a material substrate.

Contemporary criminal law science faces the phenomenon of “dematerialisation of legal reality”, when the subject of encroachment increasingly exists in a form that does not lend itself to sensory perception, but has quite tangible legal and economic consequences. Examples include electronic money, cryptoassets, virtual objects in digital spaces, the results of creative or intellectual activity, and information that has public or state value. Cybercrime is also a prime example of the dematerialisation of reality (Serkevych *et al.*, 2019). In such cases, an attempt to describe the composition of the offence through the category of the subject in the traditional sense inevitably leads to logical contradictions. Ultimately, the subject in the literal sense is “a specific material phenomenon perceived by the senses” (Dictionary, n.d.), while most non-material phenomena are information structures, energy states or digital reflections that do not have a bodily form,

but are endowed with the property of social effectiveness. For example, the electronic journal of a checkpoint is referred by the Cassation Criminal Court of the Supreme Court to the subject of a criminal offence: “the electronic journal of a passenger checkpoint of the automated customs clearance system “Inspector” is an official document, the subject of a criminal offence under Article 366 “Official Forgery” (Decision of the Criminal Cassation Court of the Supreme Court No. 715/758/20, 2022). Such phenomena demonstrate that materiality ceases to be a necessary condition for criminal legal existence. It gives way to functionality – the ability to influence social relations, cause harm, or create danger. In this context, it is appropriate to speak about the “semantic reality” of the non-material world, as the ability of non-material phenomena to act as objects of criminal legal protection (Debons *et al.*, 1988).

Accordingly, there is a change in the ontological focus: if earlier the basis for identifying an object was its material form, now the central criterion is the presence of “social energy” – the ability to influence social relations protected by criminal (and not only criminal) law. In the doctrine of criminal law of Ukraine, attempts are made to “fit” intangible benefits into the concept of “the subject of a criminal offence”. For example, L. Demydova (2015) proposed to recognise “intangible things” as the subject of crimes; A. Aliieva (2021) suggested that the subject of a criminal offence should be understood as “the object of the material or non-material world specified in the criminal law by creating any influence on which the subject commits an encroachment on the object of criminal legal protection”. However, information, energy, digital code, or intangible asset are not “objects” in the classical sense (Strassler, 2012), although they can undoubtedly cause significant harm to a person, society, or the state by influencing them.

Hence, there is a need for a new concept that would cover non-material phenomena that function as carriers of illegal influence. Such a concept does not deny the meaning of the object as a material category, but only expands the boundaries of knowledge, introducing another semantic (or semiotic) level into the structure of the composition of a criminal offence. It was at this intersection of the tangible and the intangible that the idea of the rheme of a criminal offence was born (Hazdayka-Vasylyshyn, 2024). Rheme acts as a generalising characteristic of those non-material phenomena through which the subject realises their encroachment, that is, as a certain “semantic energy” that mediates the criminal action. Thus, the evolution of the concept of the subject of a criminal offence has led to the awareness of the need for a category that can describe new forms of criminal-illegal influence – the category of rheme, which enriches the traditional structure of the composition of a criminal offence with a new conceptual content. The practical significance of identifying the rheme of a criminal offence lies in the possibility of eliminating a number of systemic qualification difficulties that arise in cases where a socially dangerous act is aimed at objects of the intangible world. In such cases, the traditional constructions of the object or subject of a criminal offence are conceptually insufficient to adequately reflect the nature and area of the criminal encroachment.

Criminal proceedings related to the illegal seizure of cryptocurrencies or other virtual assets are indicative. In law enforcement practice, such encroachments are qualified as

theft or fraud, and crypto assets are recognised as the subject of a crime. However, the lack of material form, physical possession, and the classic “seizure of an item” leads to difficulties in proving the objective side, the moment of completion of a criminal offence, and the amount of damage caused. The introduction of the rheme category allows considering cryptocurrency not as a conditional “thing”, but as an intangible object, about which criminal offences are committed, which eliminates the need for artificial adaptation of the classical “material” construction of the subject of crime. Similar problems arise in cases of unauthorised access to information systems, theft, or destruction of data. In such situations, harm is caused not to the material carrier of information, but to the information itself as a value. Qualification of an act through the method of committing a crime (interference in the operation of the system) or through an object of protection (information security) does not always allow reflecting the real focus of encroachment – information as an intangible object that has an independent economic or managerial value. The category of rheme allows clearly recording that it is information that acts as the centre of criminal influence, and technical actions are only a way to access it.

The practical feasibility of using rheme can also be traced in cases of illegal enrichment or legalisation of proceeds from crime in the form of electronic or virtual assets. In such cases, the subject of the crime is actually “dissolved” in financial and digital structures, and attempts to reduce it to material carriers (wallets, servers, access keys) do not reflect the essence of the criminal result. Thus, the introduction of the category of rheme of a criminal offence allows eliminating the existing doctrinal and applied gaps between the classical construction of the subject of a crime and modern forms of encroachments on intangible values. It provides a more accurate reflection of the orientation of the criminally illegal act and the nature of the damage caused, increases the certainty of qualification, and creates prerequisites for further improvement of criminal legislation considering the digitalisation of public relations.

Rheme as a semiotic category of criminal law thinking. The idea of the rheme of a criminal offence appears not only as a terminological innovation, but also as an attempt to conceptually rethink the very nature of criminal law reality. To understand the essence of rheme, it is necessary to go beyond traditional dogmatic logic and turn to an interdisciplinary field, in particular: semiotics, linguistics, and philosophy of language. In linguistics, rheme (from the Greek *rhema* – “expressed”, “said”) is defined as the content centre of an utterance – its semantic dominant, which carries new information about the topic of the sentence (Kocherhan, 2001). Rheme is always the part of the utterance that “moves” the content, gives it dynamics and determines the direction of meaning. Transferring this idea to the legal plane, it can be argued that each criminal offence has its own “semantic centre”, through which illegal influence on public relations is realised. If the subject as part of a criminal offence reflects the material basis of the encroachment, then the rheme fixes its information and semantic axis – the way in which the non-material component of the act affects the object of criminal legal protection. In a certain sense, rheme is a form of “energy communication” between the subject and the object of the offence, that invisible structure through which the subject causes harm without touching material things. This approach brings criminal law closer to

a semiotic understanding of legal reality, according to which legal phenomena are not only systems of norms, but also systems of signs, meanings, and communication processes (Pavlyshyn, 2018). In this paradigm, the subject of a crime is the “material sign” of an act, and rheme is its “semantic sign”; through these “signs”, law interprets the illegality of behaviour. Rheme, thus, performs the function of a semantic mediator in the composition of a criminal offence. It is not a subject in the physical sense, but has its own ontological nature: rheme is an information and energy structure that acquires legal significance at the moment when an encroachment on certain social relations is implemented through influence on it.

For example, in cases of interference with information systems, unauthorised access to data, manipulation of digital assets, or the creation of artificial images (deepfake), damage is caused not through a real object, but through a change in the information state. It is this state – informational, semantic, energetic – that is the rheme of a criminal offence. It has no shape, but it has structure, it has no weight, but it has consequences. Rheme in this sense is a semiotic form of harm reflection that overcomes the limitations of materialistic legal logic. It embodies the transition from material to information thinking in criminal law. This is not only a new level of categorisation, but also a new type of legal perception: not “visible”, but “semantic”. Thus, the rheme is not just an optional feature of an object, but a category of a new type – semiotic, reflecting a change in the epistemological paradigm of criminal law thinking. It allows seeing the offence not only a material impact, but also a semantic transformation – a change in the state of social reality through immaterial mechanisms. Rheme in the criminal-legal sense can express the “semantic energy” of a crime, an information carrier of illegality, through which contemporary law will be able to cover new forms of socially dangerous behaviour that arise in the post-material world.

Three-level model of the object of the composition of a criminal offence. The problem of the structure of the object of a criminal offence is conventionally reduced to the definition of its mandatory and optional features. According to the doctrinal approach, the object of a criminal offence is social relations that are targeted by encroachment, and the object is a thing of the material world that is directly affected by illegal influence (Dudorov & Stryzhevskaya, 2025). This model has historically provided a logical completion of the theory of the composition of an offence, but in the digital age it turned out to be methodologically insufficient. Today’s legal reality demonstrates that significant harm can be caused through non-material channels of influence – information, energy, digital, and communication. In such cases, there is no material object in the classical sense, but there is a real change in the state of protected relations. This indicates the need to expand the conceptual structure of the object of a criminal offence by including a new semantic level.

Thus, a three-level model of the object of the composition of a criminal offence is proposed, which allows systematically covering both material and non-material manifestations of socially dangerous influence:

1. Social relations (social values) as a basic (ontological) level. This is the core of criminal law protection, what criminal law exists for. Social relations (and social values) are intangible in nature, but have very specific manifestations (life, property, security, law and order, etc.). They determine

the area of the criminal prohibition and are the end point of the damage caused.

2. Subject as a material level. This is a specific physical thing that the subject's action is directed at, or through which the impact on social relations is realised. It can act as a carrier of a harmful effect or a material indicator of encroachment. In traditional theory, the subject serves as a criterion for specifying the composition of a criminal offence, but its role is limited only to those situations where there is a material substrate of action.

3. Rheme, as a semantic (non-material) level. This is a new optional feature of an object that covers all non-material phenomena that can cause significant harm due to their impact. These include information structures, energy states, digital objects, artificial algorithms, intangible assets, results of intellectual activity, etc. Rheme captures the way criminal influence manifests itself in the intangible dimension – where the subject is missing or not a key one.

Thus, rheme does not replace the object, but complements it, reflecting not the material form of encroachment, but its semantic structure. This allows building an integrated system in which each level reflects a certain aspect of legal reality. Within the framework of this model, each level determines a different one: social relations determine the boundaries of criminal legal protection, the subject concretises the material embodiment of encroachment, and rheme reveals non-material forms of offence. This approach allows harmonising the traditional theory of the composition of a criminal offence with new social realities, not destroying the classical construction, but only expanding its epistemological horizon.

A similar multi-level logic is observed in contemporary interdisciplinary theories. In particular, the philosophy of information emphasises the existence of three interrelated levels of reality: physical, informational, and social (Floridi, 2011). A similar triad can be traced in the proposed criminal law construction: physical (subject), informational (rheme), social (object). Thus, the three-level model of the object allows overcoming the materialistic limitations of the traditional theory of the composition of an offence; to ensure the methodological integrity of the description of both material and non-material encroachments; to adapt criminal law to the challenges of the digital age, in which information and energy are full-fledged objects of illegal influence. Rheme in this system serves as a “conceptual bridge” between the material and the non-material, concrete and semantic, while providing a link between classical criminal law categories and new forms of public danger. It not only clarifies the structure of the composition of a criminal offence, but also opens the way to rethinking the methodology of criminal law as a science – towards semiotic, energy, and information integration.

Epistemological significance of the concept of rheme for criminal law science. The introduction of a new optional feature into the structure of the composition of a criminal offence has not only terminological or dogmatic, but above all epistemological significance. This refers to changing the very way of thinking in criminal law science on the transition from a materialistic to a semiotic and informational model of cognition of legal reality. Traditional criminal law thinking is based on a material metaphor: crime is an action directed at an object; harm is a change in its physical condition; responsibility is the reaction of society to this

change. Such a paradigm emerged in the era of industrial civilisation, when the physical world was the only obvious reality. However, in a digital society, the centre of gravity is gradually moving from material existence to the information process. Humans are the only known semantic engines and conscious “information organisms” that can develop a growing knowledge of reality; and reality is a collection of information (Floridi, 2011). A person acts, thinks, and even violates the law not only in the space of things, but also in the space of data, images, signs, energies, and meanings.

In this context, the concept of rheme appears as an instrument of a new epistemology of criminal law, which considers the immaterial nature of the modern world, but does not reduce it to abstraction. Rheme embodies the sphere of legal reality where an act exists not in the form of physical impact, but in the form of a semantic event, a change in the information state of social value. This vision allows moving from an ontological approach (“what is a criminal offence”) to an epistemological one (“how crime is cognised and recorded in the intangible world”). It is here that rheme becomes fundamental as a category that removes the contradiction between being and knowledge in criminal law theory: it simultaneously exists as a phenomenon (through which harm is caused) and as a way of knowing this harm (through the semantic interpretation of its manifestations).

The rheme paradigm forms a new cognitive space of criminal law analysis, in which an offence is considered not only as an action, but as an information act that transforms the system of public relations; harm can be not material, but semantic – a change in the state of communication, trust, privacy, or digital integrity; proof covers not only material traces, but also information and communication consequences of the act. This opens up opportunities for a new interpretation of criminal law categories. For example, in the most daring ideas, guilt can be considered as a form of information intent, as the subject's orientation to change the semantic state of reality; the method of committing an offence can be analysed as an algorithm of non-material influence; socially dangerous consequences – as changes not only in the material, but also in the information, communication or digital sphere.

Rheme thus transforms the very logic of criminal law doctrine, complementing it with a new dimension of knowledge. This dimension (semiotic, informational, energetic) can make criminal law more sensitive to new social processes that do not fit into the framework of physical reality, but have obvious social value. From a philosophical standpoint, the concept of rheme asserts the idea of multidimensional criminal law reality. In this sense, rheme is not only an analytical category, but also a metaphor for a new type of legal thinking – thinking that can combine material and non-material, fact and meaning, law and communication. This change in epistemological optics is consistent with the general trend in the development of the humanities, which is manifested in the transition from a substantive to a procedural vision of reality. Law ceases to be only a system of norms and becomes the language of describing social events, and an offence becomes not just a violation of a legal norm, but a change in the semantic state of social order. It is in this dimension that rheme reveals its main methodological function – integrative. It combines conventional legal categories (object, subject, victim) with new interdisciplinary concepts (information, energy, algorithms, cryptoassets). Rheme becomes

a kind of “point of contact” between classical criminal law and the postmodernist world of digital reality, in which harm can be caused not physically, but “energetically”, “meaningfully”; not through action, but through information.

The idea of complementing the construction of the composition of a criminal offence with such a feature as rheme is new for the science of criminal law, so it has not yet been the subject of wide discussion. In the contemporary Ukrainian science of criminal law, the problem of non-material objects of encroachment is actively developed, however, mainly within the framework of the conventional construction of the subject of crime. In this context, it is advisable to compare the proposed concept of rheme of a criminal offence with the findings of other authors. O. Kryshevich & I. Roschyna (2022) concluded that cryptocurrency, despite its lack of material form, can be considered as a subject of crime due to its economic value and turnover. However, the above analysis showed a different picture – the need to distinguish intangible assets from the subject of a crime and separate them into a separate feature of the composition of a criminal offence. The reason for the discrepancy between these positions is conditioned by a different methodological approach: the researchers proceed from an expanded interpretation of the subject of the crime, while in this study its classical material understanding was preserved.

T. Ovsichuk (2025) examined virtual assets as the subject of illicit enrichment, recognising their intangible nature and the conventionality of classifying them as the subject of a crime. This opinion is fully consistent with the conclusion that virtual assets do not correspond to the traditional features of the material world. The difference in positions lies not in the content of the assessment of the nature of assets, but in the level of theoretical generalisation: T. Ovsichuk (2025) explored the specific composition of crime, while this paper offered a universal categorical model. I. Shchepak (2025) supported the thesis about the need for a clear differentiation of intangible objects and the elimination of mixing of different legal categories, considering the problem mainly as terminological and qualifying, while this article proved its deeper categorical nature. I. Dolianovska & K. Kryvenko (2024) analysed the international experience of countering crimes related to the turnover of virtual assets, recognising them as an independent object of criminal legal protection. The conclusion that intangible assets are actually recognised as an object of protection in contemporary law and order is fully supported. However, the researchers focused on the criminal-political and comparative aspects, while this paper offered a theoretical model of their integration into the structure of the crime structure.

The comparison showed that most contemporary studies actually recognise the existence of intangible objects of criminal encroachment, but try to integrate them into the conventional construction of the subject of crime or consider the problem within separate compositions. The proposed concept of rheme of a criminal offence does not challenge their conclusions about the nature of digital assets, but differs in the level of theoretical generalisation and the desire for a systematic solution of the identified contradictions.

Disagreements with other researchers are methodological, not essential, which indicates the evolutionary development of the doctrine, and not its denial.

Conclusions

The development of criminal law science in the 21st century is inextricably linked with the processes of digitalisation, virtualisation, and dematerialisation of public life. Under these conditions, the traditional construction of the composition of a criminal offence, focused on material features, loses its ability to adequately reflect new forms of socially dangerous behaviour. The answer to this challenge is the proposed concept of rheme of a criminal offence – a new optional feature of an object that covers non-material phenomena, through the influence of which harm can be caused in the process of committing criminally illegal encroachments.

The three-level model of the object of the composition of a criminal offence proposed in the paper provided a systematic coordination of material and non-material forms of illegal activity. It avoids both excessive formalism and unlimited expansion of the criminal offence, creating a balanced methodological framework for the legal assessment of all types of encroachments. Incorporation of rheme into the system of optional features of the object will contribute to: improving the accuracy of criminal law qualification of acts in the field of cybersecurity, information technologies, artificial intelligence, digital assets; unification of approaches to harm assessment in cases where the subject has no material nature; updating the conceptual framework of criminal law in accordance with the realities of the information society.

From an epistemological standpoint, rheme is a symbol of the transition from a materialistic to a semiotic and informational type of criminal law thinking. It reveals the multi-dimensional nature of legal reality, in which crime can exist not only as an action, but as a semantic event – an act of communication, manipulation or influence that changes the structure of social relations. Thus, the concept of rheme deepens the methodology of criminal law science, introducing categories of information, energy, and meaning into it; complements the classical theory of the composition of a criminal offence with a new non-material dimension; forms the basis for responding to offences in virtual and information spaces.

Prospects for further research consist in the development of criteria for distinguishing rheme from the subject, tool, and means of committing a criminal offence; description of the victim from a criminal offence through the prism of a combination of material and non-material; development of a new typology of objects of criminal law protection, considering both material and semantic levels of public danger.

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Переосмислення ознак об'єкта кримінального правопорушення у цифрову епоху

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Анотація. У статті розвивається авторська концепція реми як нової факультативної ознаки об'єкта складу кримінального правопорушення. Вихідною позицією дослідження є визнання того, що сучасна кримінально-правова теорія, побудована на матеріалістичних уявленнях про предмет кримінального правопорушення, втрачає пояснювальну силу в умовах цифровізації, віртуалізації та дематеріалізації суспільного життя. Правопорушення у сфері інформаційних технологій, кібербезпеки, цифрових активів, а також у сфері інтелектуальної діяльності часто не мають матеріального предмета у класичному розумінні, але завдають реальної шкоди охоронюваним соціальним цінностям. Це обумовлює потребу в оновленні теоретичної моделі складу кримінального правопорушення. На основі лінгвістичних і семіотичних концепцій та міждисциплінарних підходів запропоновано тривірневу модель об'єкта складу кримінального правопорушення: суспільні відносини (базовий рівень), предмет (матеріальний рівень) і рема (смісловий, або нематеріальний рівень). Така модель забезпечує цілісне охоплення як матеріальних, так і інформаційних форм суспільно небезпечного впливу. Результатом дослідження було формулювання поняття реми кримінального правопорушення як семіотичної категорії, що відображає перехід кримінально-правового мислення від матеріального до інформаційно-сміслового рівня. Вплив на рему інтерпретувався як інформаційна або енергетична форма протиправної дії, яка змінює стан суспільних відносин без фізичного контакту з матеріальними предметами. У результаті доводиться, що введення реми у систему факультативних ознак об'єкта складу кримінального правопорушення поглиблює методологію кримінального права, розширює його понятійний апарат та сприяє адаптації кримінально-правової доктрини до реалій цифрової цивілізації. Концепція реми відкриває нові можливості для кваліфікації злочинів у кіберпросторі та формує підґрунтя для подальшого розвитку семіотично-інформаційної парадигми кримінально-правової науки

Ключові слова: кримінальне право; склад злочину; предмет; рема; нематеріальні феномени; семіотика права; інформаційна реальність