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## ESSENCE AND TYPES OF MISTAKES IN THE CRIMINAL LAW

The problem of the legal mistakes was begun studying in detail by the Roman private law. In the Roman private law there was no a common theory of mistake, but each of the certain case was considered separately.

There is no special legal rule devoted to the problem of the criminal law mistakes in the Criminal Code of Ukraine 2001. Criminal Codes of Ukrainian SSR 1922, 1927 and 1960 yrs., as well as the Basics of the criminal law of USSR 1958 also did not contain any legal rule about criminal law mistakes.

There are many definitions of the criminal law mistake in scientific literature. Generally it is described as the “misconception” or the “misestimation” of a person regarding to juridical

or factual circumstances of committed crime.

A mistake in the criminal law can be defined as the wrong conception of a person formed in his consciousness under the influence of incorrect perception of juridical or factual circumstances of committed crime.

Normally there are two types of criminal law mistake: a mistake of law and a mistake of fact. A mistake of fact may sometimes mean that, while a person has committed the physical element of an offence, because they were labouring under a mistake of fact, they never formed the required mens rea, and so will escape liability for offences that require mens rea. This is unlike a mistake of law, which is not usually a defense.