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THE PROBLEM ASPECTS OF THE ANALYSIS OF SUBJECT OF CRIMES WHICH CONSIST IN EVASION FROM SERVING PUNISHMENTS NOT CONNECTED WITH THE ISOLATION OF A PERSON

This scientific article aims to research the problems of understanding the subject of crimes which consist in evasion from serving punishments not connected with the isolation of a person. The solution of this issue has a key value at the analysis of components of crimes; in fact, exactly the subject of crime embraces features, which contain plenty of information often needed for description of both objective and subjective side of crime and also its object.

In this article the analysis of the well-known determination of concept “the special subject of crime” is made and an idea about general features of such concept is formed. The author has done the detailed analysis of features determining the subject of crimes, which consist in evasion from serving punishments not connected with the isolation of person. It was concluded that under a “convict person,” that comes forward as a subject of the crimes envisaged by the Article 389 and by parts 1, 2 of the Article 390 of

Criminal Code of Ukraine, we must understand a person who evade punishment based on a sentence of court or on order of its replacement.

Besides, the author has made a conclusion that:

1) crimes, which envisage criminal responsibility for evasion from serving punishments not connected with the isolation of a person, can be accomplished by both general (part 2 of the Article 388 of Criminal Code of Ukraine) and special (the Article 389 and by part 1, 2 of the Article 390 of Criminal Code of Ukraine) subject;

2) subjects of crimes which consist in evasion from serving punishments not connected with the isolation of a person are characterized by specific properties and features depending on different types of punishments: “fine,” “deprivation of right to fill certain positions or to carry on certain activity,” “public works,” “corrective labor,” “restriction of liberty.”