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INTERPRETATION OF THE FEATURES OF THE SUBJECT OF THE CRIME OF "NON-ENFORCEMENT OF JUDGMENTS"

The article actualizes and considers the problem of coordination of scientific views on the content of the characteristics of the subject of the crime, provided by Article 382 of the Criminal Code of Ukraine.

Noted that in the domestic theory of criminal law there is a situation where the number of approaches to the interpretation of mandatory and additional features of the subject of the crime "non-enforcement of judgments" has not yet received quality content. On this basis, proved that the task of reconciling scientific views on the subject of the crime, as provided for in article 382 of the Criminal Code of Ukraine, is an important scientific task of the national criminal law doctrine, which directly related to law enforcement practice.

Established that when analyzing the characteristics of the subject of the failure to comply with the court decision, different forms of the objective side of the crime must take into account. The position was confirmed that the objective side of the crime provided for by part 1 of article 382 of the Criminal Code of Ukraine may manifest itself in two forms: passive (non-enforcement of judgments) and active (obstruction of execution of a court decision). Different forms of the objective side of the crime studied, which determine the application of that differentiated approach to the criminal-legal characteristics of the subject of the crime, defended by representatives of the Kharkiv scientific school. On this basis, the position supported, according to which the subject of non-fulfillment of the judicial decision is special. At the same time, the subject of obstruction of execution of a judicial decision can be in some situations general, in others - special.

The scientific interpretation of the concept of an official (which qualifies under part 2 of article 382 of the Criminal Code of Ukraine) requires the following reservation: part 2 of article 382 of the Criminal Code of Ukraine refers to any official of legal entities, both public and private, except for those provided for in paragraphs 2 and 3 of the note to article 368 of the Criminal Code of Ukraine.

Supported the view that the differences in the interpretation of certain time limits and word combinations related to the concept of criminal record, resulting from the lack of a uniform approach by the legislator to the textualization of his or her will. On that basis, it suggested that the relevant attribute relating to that special subject of the crime should be set out in the following wording: "by a person with a criminal record for an offence under this article".

The prospects for further research in this area actualized. In particular, it concerns issues related to the liability of members of collegial bodies, representatives of legal entities, officials entrusted with the legal obligation to implement the decision of the European Court of Human Rights, the decision of the Constitutional Court of Ukraine, or compliance with the opinion of the Constitutional Court of Ukraine. These issues require a separate study.

Keywords: non-enforcement of judgments, obstruction of execution of a judicial decision, criminal inaction, the general subject of a crime, the special subject of a crime, the official, the official occupying responsible or especially responsible position.

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