

ARREST AS A FORM OF PUNISHMENT UKRAINE THE DRAFT LAW "ON AMENDMENTS TO SOME LEGISLATIVE ACTS UKRAINE ON INTRODUCING CRIMINAL OFFENSES"

According to Criminal Justice Reform Concept of Ukraine approved the Decree of the President of Ukraine 04.08.2008 p. № 311/2008, as the basis of its reform should be based on centuries-old traditions of national lawmaking and judiciary, the provisions of national law which passed the test of time and justified the practice, progressive legal institutions of the European Union, international law. The objective of the Concept is to create scientifically sound methodological basis, determine the content and direction of reforming the criminal justice system.

The purpose of the bill number 2897 from 06.03.2016. "On amendments to some legislative acts of Ukraine on introduction of criminal offenses," as stated in the explanatory note to it, is the realization of state policy on humanization of criminal responsibility, which results in the medium term has become significantly reducing the number of convicted persons and persons who will be deprived, improving resocialization and a significant reduction in crime in Ukraine. To achieve the above stated goals in the bill amends a number of regulations, principal among which occupy amendments to the Criminal Code of Ukraine (hereinafter - CC).

Thus, to implement the declared goal of the Criminal Code proposed to extend the application of alternative imprisonment and softer penalties, including - in the form of arrest due to its slight gain.

In general positive characteristic changes to the Criminal some require further discussion and argument. For example, ch. 1, Art. Bill 60 declared minimum size of arrest for committing a misdemeanor in an amount of 5 days. There is a logical question: what was the purpose of punishment can be achieved in 5 days serving the sentence? This is enough! Penalties must achieve its goal (ch. 2, Art. 50 of the Criminal Code); Increase the minimum size of arrest!

The bill introduced graduation (I, II and III) arrest, correctional labor, service restrictions and community service for criminal offenses. But determining the degree of arrest (p. 1 Art. 60 of the bill) is incomprehensible, unjustified and disproportionate. Thus, the degree and provides for detention for a period of 5 to 15 days (the difference - 10 days); Second stage - 16 to 60 days (45 days difference); III degree - 61 to 90 days (30 days difference). It is not clear why the second degree such gross margins minimum and maximum penalties? In our view, this is contrary to the general idea of the bill and could lead to corruption. It seems that the issue of degrees of arrest, correctional labor, service restrictions and public works requires further study if its implementation.

Unreasonable, illogical and those that violate the constitutional principle of equality of citizens is the provision ch. 3. Bill 60: "The arrest is usually not applicable to employees with longer continuous service in the enterprise, institution or organization." It is unclear why other penalties restraint and imprisonment for a minimum period of 6 months (draft version) applicable to persons with long-term continuous service in the enterprise, institution, organization, and arrest - can not?

Because of legislative initiative is necessary to examine more deeply the issue of reforming the sentence of arrest and further reforming the criminal justice system and improving the standards of the Criminal use theoretical heritage of scientists.