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THE PROBLEMS OF CRIMINAL LIABILITY FOR KNOWINGLY UNLAWFUL DETENTION

The article is devoted to the consideration of problems arising in the interpretation of the elements of the crime under art. 371 of the Criminal Code of Ukraine “Knowingly unlawful apprehension, taking into custody, arrest or detention”. The problems relating to the definition of types of detention, remedial procedures of which is protected by the rules of Chapter XVIII of the Special Part of the Criminal Code of Ukraine have been explored, in particular, in relation to the rules concerning the established by law administrative detention procedure.

In particular, the analysis of responsible branch of legislation regulating the procedure for administrative and procedural criminal detention has been made, the legal nature of this relationship has

been considered. The author determines the kind of detention that is the object of protection of the rules of Chapter XVIII of the Special Part of the Criminal Code of Ukraine. The qualification of the offenses has been suggested.

The author has made a conclusion that the rules of the eighteenth Chapter of the Special Part of the Criminal Code protect only public relations for the execution of criminal procedure of detention. In the case of knowingly illegal administrative detention, appropriate actions should be qualified by the rules of Chapter XV of the Special Part of Criminal Code of Ukraine as crimes in the service activity and professional activity in the branch of public services.