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THE TERMINATION OF CRIMINAL PROCEEDINGS WITH RELEASE OF THE PERSON FROM CRIMINAL LIABILITY IN CONNECTION WITH SITUATION CHANGE

The urgency of a studied perspective is caused by that orientation of Ukraine to modern international legal standards of protection of the rights of the personality causes refusal of repressive reaction to a perfect crime. In relation to condemnation and punishment by institute release from criminal liability is alternative, a procedural which form of realization is the termination of criminal proceedings.

In the scientific article the author considers criminal and legal and criminal and procedural conditions of release of the person from criminal liability in connection with situation change. On the basis of the analysis of the current legislation the conclusion is drawn that the concept «situation change» is understood as two various bases of release from criminal liability: loss by act of public danger or loss of public danger by the person who has committed a crime. A valid conclusion that the prosecutor and court are obliged to establish a situation which was taking place at the moment of commission of crime and to compare it to that which develops during pre-judicial investigation or judicial consideration. Thus it is necessary to establish a direct connection between change of a situation and loss by act or the person who has committed a crime, public danger.

The author pays attention that release of the person from criminal liability in connection with change of a situation belongs to the discretionary bases of release from criminal liability that puts the decision on the termination of criminal proceedings in dependence on discretion of the prosecutor and court. Therefore in this case they, being guided by requirements of the law and the internal belief, should define existence of the corresponding positive changes of a situation, it is correct to estimate their current value and to predict future prospect.