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URGENT PROBLEMS OF CRIMINAL LIABILITY FOR ESCAPE

Annotation: In article problematic issues of qualification of violent escape from places of detention, from under arrest or from custody are considered.

Keywords: violent escape, places of commission of escape, the armed escape, society, isolation, responsibility.

The most widespread type of crimes made in places of detention are escapes. Escapes cause reasonable concern of citizens, disbelief in ability of the state to provide reliable isolation of criminals, dangerous to society.

The essence of escape from the place of detention, its danger to society, is expressed in contradiction to execution of the purposes and problems of justice connected with realization of punishment in the form of imprisonment or measure of criminal procedure coercion, in undermining authority of judicial bodies and creation of obstacles for their normal activity.

Places of commission of escapes must: correctional facilities (correctional labor colonies of the general, strict and especially the mode, colonies settlements, educational colonies, prisons), and also places of keeping of the arrested military personnel - a guardroom. Various vehicles used for convey of suspects, defendants, the defendants takes as a measure of restraint into custody in court, in the course of the investigation, prosecutor or person making inquiry and also the escape directed to the place of serving sentence belong to spaces of any forgards.

Escape from custody is leaving from a convey in the hall of court session, by production of various investigative actions, for example, of an investigation experiment, departure to the place of commission of crime. It is necessary to emphasize that the arrangement of IL is understood not only as the territory of colony (colony) limited to system of technical means of protection. Local governments determine to the invasion the territory borders adjacent to security constructions where against infringements are established.
Escape from places of detention, from custody is among crimes with formal structure. The moment of the termination of a crime the moment of leaving of the appropriate place of imprisonment and run out of control of administration of law, jurisdiction. Leaving of the appropriate place is stated not earlier than the person leaves his territory, will overcome the last protecting construction or other element of protection.

However O. W. Miter considers that escape from the place of detention has to be referred to material corpus delicti at which a criminal consequences is that the person obliged to be in the place of detention and to serve the imposed sentence in the form of imprisonment as a result of commission of escape appears outside the place of detention, out of the sphere of protection and control of him from administration of correctional facility and at the same time in advance committed crime doesn’t serve sentence.

In our opinion, the design of structure of the studied crime concerns to formal structure as in the Criminal Code of Kazakhstan there’s no instruction on socially dangerous consequences as an obligatory sign of the objective party. A number of authors fairly consider that escape can have stages of preparation and attempt.

In our opinion, the design of structure of the studied crime concerns to formal structure as in the Criminal Code of Kazakhstan there’s no instruction on socially dangerous consequences as an obligatory sign of the objective party. A number of authors fairly consider that escape can have stages of preparation and attempt.

Problems of qualification of escape from places of detention, from under arrest or from custody his reference to number of the lasting crimes is, in jurisprudence, as well as in scientific publications, there is no unity of opinion on this matter. Many scientists fairly refer escape to the lasting crimes. And it involves a number of consequences. The limitation period of criminal prosecution is calculated from the moment when the made escape has ceased on the listed above bases to evade from the investigation, court or serving sentence. O. W. Miter agreeing that escape is lasting in the investigation, court or serving sentence, escape on the moment of commission of escape and including the limitation period of time, since the moment of commission of escape and including the limitation period of time, since the moment of commission of escape and including the limitation period of time, escape on the moment when in actions of the guilty person there is an ended structure of escape. The second period of time, since the guilty person carries out the objective party of escape. The second period of time, since the guilty person carries out the objective party of escape. The second period of time, since the guilty person carries out the objective party of escape. The second period of time, since the guilty person carries out the objective party of escape. The second period of time, since the guilty person carries out the objective party of escape.