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PLACE OF COMMITTING LONG-TERM CRIMES: TOPICAL PROBLEMS OF THEORY AND PRACTICE

Abstract. *Considers and systematizes the main theoretical views on the characterization of continuing crimes. The relevant provisions of the criminal legislation of several foreign countries are analyzed. It is established that in the science of criminal law presently there is no clear and unified understanding of the legal nature of these acts and their types. A scientifically substantiated and practically acceptable approach to establishing the place of committing crimes is formed on the basis of consideration of their legal nature.*

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Introduction

In the science of criminal law for a long time there are differences in the understanding of the legal nature and signs of prolonged crime. The aforesaid has a significant impact on the solution of many theoretical and practical issues, and not least - the establishment of a place of committing long-term crimes. The qualification of complicated single crimes is a major theoretical and law enforcement difficulty. Such kind of single crimes is not accidentally called “complicated”, since the relevant complexity concerns not only the objective aspect of the crime, but also many issues of their legal nature and legal consequences that occur (or may occur) in case of committing such crimes. A long-term crime takes a significant place among the analyzed acts. In science of criminal law, there is still no clear and unified understanding either of the legal nature of such acts or of the exhaustive list of features that constitute the concept of long-term crimes or the distinction of their varieties. In our opinion, the place of committing any long-term crime may be identified only by way of highlighting the correlation of the legal characteristics of the corresponding encroachment with its space-time characteristics. The disclosure of the legal nature of the varieties of long-term crimes will improve the knowledge of the place where they are committed.

1. Conceptual approaches to the concept of a long-term crime

The study of the views of the criminologists of Conceptual approaches to the concept of a long-term crimethe late nineteenth and early twentieth centuries on the legal nature of the long-term crime suggests that most scholars saw the essence of such an act as the continuity of its implementation at the stage of a complete crime. In particular, M.S.Tagantsev disclosed the essence of long-term crimes in the following way: these are the acts, long-term or such that are transferred to criminal state, when the encroachment on the norm, when once done, is repeated continuously until the onset of any opposite event [1].

The long-term crimes according to Ye. Ya. Nemyrovsky's (Dauerverbrechen) are consideredas attack in which the crime is continuously reproduced, and are carried out every moment [2]. L. S. Belogrits-Kotlyarevsky saw the essential feature of a long-term crime in the ability of criminal activity to be constantly and continuously reproduced in such a way that there appears a criminal state of a person, which lasts until its termination due to certain circumstances [3]. Later, in the Soviet era, the understanding of a long-term crime was changed in connection with the legal position of the Supreme Court of the USSR. So, in par. 2, cl. 1 of the resolution of the 23rd Plenum dated March 4, 1929, "On the Terms of Use of Limitation and Amnesty for Long-term and Continued Crimes, a long-term offense was defined as an act entailing a continuous criminal offense, or as a prolonged failure to act, which are required by law under the threat of criminal prosecution [4]. Later, in accordance with the changes made to the above-mentioned resolution dated March 14, 1963, a long criminal offense was defined as an act or failure to act, combined with a subsequent prolonged failure to perform the duties entrusted to a victim by law under the threat of prosecution" [5].

On this basis, V.M. Kudryavtsev defined the legal nature of the long-term crime as a result of failure of an individual to fulfil the legal obligation that arose due to his actions [6].

N. F. Kuznetsova criticized the definition of the concept of a long-term crime, which uses an indication of an individual's failure to fulfill his legal obligation. In the opinion of the scientist, this feature is not functional.It is necessary to make such an accent in the corresponding definition of the concept of a long-term crime: at the stage of the complete crime, it continues to be committed, as if prolonging a criminal consequence in time [7].

Nevertheless, the position of N.F. Kuznetsovawas criticized. V. Shumikhin pays attention to the positive and negative aspects of the latter definition. He notes that in this definition variant, the sign of the continuity of the commission of a criminal actiscorrectly emphasized, but the indication on prolonging in time of criminal consequences is inaccurate, since long-term crimes have the structure of a formal crime, which does not include the criminal consequences [8]. In general, both in the Soviet and in the modern theory of criminal law the researchers call the continuity of the commission of a criminal act or the continuity of the commission of the crime the undisputed sign of a long-term crime. For example, according to E.T. Borisov, long-term crimes constitute such criminal acts, the commission of which for more or less long time is continuously carried out at the stage of a complete crime. Continuity of committing long-term crimes is different from sustainable [9]. The peculiarity of long-term crimes V. P. Malkov sees in the fact that they are committed continuously for a more or less long period of time [10]. V. Chernov notes that the specific feature of any long-term crime is the continuity of a criminal offense (action or inaction). By its objective and subjective properties, it is the only criminal process (state) [11]. In a well-known monograph devoted to the plurality of crimes, M. I. Bazhanov pays attention to the analysis of complicated single crimes. In his point of view, "a long-term crime can be defined as a single offense that, being committed by way of action or inaction, is continuously carried out for more or less long time" [12].

O. Dudorov, O. V. Obodovsky and many other scholars adhere to this approach in the modern Ukrainian science of criminal law. Thus, according to O. Dudorov, a long-term crime is characterized by a continuous, constant implementation during a certain period of time of a criminal act [13]. O. Obodovsky understands a long-term crime as one that can be continuously committed at the stage of a complete crime during a certain (sufficiently large) period of time [14]. In addition, we note that in the theory of criminal law there is also a critical attitude to the notion of "continuity" as a mandatory sign of a long-term crime. For example, A.M.Ryshlyuk suggests instead of the sign "continuity" to use the sign "constant committing a long-term crime", or "constant implementation of its composition"."This feature is similar to "continuity", - A.M.Rishelyuk writes, - but is its clarifying factor - in our opinion, it is worth combining under this title and absolutely continuous committing a long-term crime, and those cases when the periods of continuous action alternating with small breaks in time, after which the same criminal behavior is restored - the same criminal is hidden, the same weapon is illegally stored, etc".[15]. That is, under the phrase "constant committing a crime" A.M.Ryshlyuk combines both continuous behavior and behavior that is restored after a short break - the temporary cessation of a certain action (inaction).

Note that A.M. Ryshlyuk's considerations are logical in general, since a long-term offense can be considered committed with small breaks, for example, storage of weapons. However, the terminology proposed by the author as a sign of a long-term crime – "the constant committing of the crime", in essence, does not contain anything new. The point is that the word "constant" in the first sense is interpreted as: "Which lasts all the time, without interruption; continuous, uninterrupted" [16]. Thus, the word "constant"means the same as "continuous". That is, criminal behavior with small breaks, the possibility of existence of which is underlined by A.M.Ryshelyuk, in this case, does not suffice an adequate terminological reflection in the concept of "constant".

V. Shumikhin calls the following signs of a long-term crime: 1) the continuity of the negative impact on the object of the crime; 2) the continuity of the commission of a criminal act or inaction, which forms a peculiar crime; 3) the purpose of the offender's actions. As a result, the scientist suggests the following definition of the concept of a long-term crime: an act that *continuously* infringes upon the object of criminal-law protection through its *continuous* implementation by the subject at the stage of the complete crime and in order to commit it *continuously* [8]. We believe that such "continuous" tautology does not allowto understand the subject of the study.

German criminal law, long-term crimes also belong to problematic issues of theory and practice. It was written by A. Ye. Zhalinsky, drawing attention to the position of one of the authoritative German scholars-criminalists K. Roksina concerning long-term crimes. According to K. Roksina, long-term delicts are acts in which the delict does not end with the commission of the act, but continues through the will of the subject as long as the criminal status (*Zustand*) created by him is preserved [17].

Thus, in the science of criminal law there are differences in the understanding of the legal nature and signs of continued crimes for a long time. The above has a significant impact on the solution of practical issues, in particular, the establishment of a place of committing long-term crimes. Thus, the purpose of this study is to form a scientifically grounded and practically acceptable approach to establishing the place of committing long-term crimes on the basis of disclosure of their legal nature.

Current Criminal Code of Ukraine defines the concept of an continuing crime (Part 2 of Article 32), while the definition of a long-term crime is formulated by the theory of criminal law. In addition, we note that the criminal codes of some countries contain a definition of the concept of long-term crimes. Thus, Part 1 of Art. 13 of the Criminal Code of Georgia refers to a long-term criminal offense envisaged by one of the articles or parts of the articles of this Code, the commission of which commences by action or inaction, and which continues to be carried out continuously [18]. According to Part 4 of Article 23 of the Criminal Code of the Republic of Latvia a separate long-term criminal act is the continuous implementation of a single criminal act (action or inaction) associated with the subsequent prolonged failure to perform duties that the law puts at fault on the criminal [19]. In accordance with Part 1 of Art. 29 of the Criminal Code of the Republic of Moldova, an act characterized by the continuous commission of criminal activity for an indefinite period of time is a long-term crime [20]. Part 5 of Art. 19 of the Criminal Code of the Republic of Tajikistan provides that: a crime, which consists of prolonged failure to perform duties, characterizing the continuous implementation of one long-term crime is not considered repeated [21]. Identical definition of the concept of a long crime is contained in Part 4 of Art. 32 of the Criminal Code of the Republic of Uzbekistan [22].

Thus, all legislative definitions of a long-term offense include an indication of such a feature as the continuity of the commission of a crime. In the criminal codes of the republics of Georgia and Moldova, the legislator stops on this feature of long-term crimes and does not add to others. At the same time, the criminal legislation of the republics of Latvia, Tajikistan and Uzbekistan, as an additional sign of this crime, provides for the following long non-fulfillment of duties assigned to a person. The difference in legislative approaches to defining the concept of a long-term crime depends on the perception of one or another theoretical position regarding the legal nature of such crimes. In order to illustrate similar approaches within the continental system of law regarding the understanding of the legal nature of lengthy crimes, V. Shumihkin points out, as an example, Art. 56 of the Dutch Criminal Code (hereinafter referred to as the Criminal Code of the Netherlands), and notes that this definition refers to such a characteristic subjective feature of a long-term offense as the object of a criminal act of a subject [8]. We consider such observation to be incorrect. Direct reference to the contents of Art. 56 The Netherlands Criminal Code makes it possible to ensure that it refers to a continuing, rather than a long criminal offense: “If several actions are related in such a way that they can be considered as one continuous activity, regardless of whether there is any crime or offense in itself , only one norm should be applied” [23].

To date, in the science of criminal law, there are two approaches to understanding the design of the syllables of long-term crimes. Representatives of one approach believe that all long-term crimes have only a formal composition (V. Shumikhin, V. Chernov, etc.). For example, V. Chernov writes that all long-term syllables are constructed by the legislator as formal - the consequences are beyond their borders [11]. Other scholars insist that there are long-term crimes with material resources [24]. The conclusion on the construction of long-term crimes as formal ones cannot be unconditionally perceived today. Some warehouses of long-term crimes are actually formulated by the legislator as material. For example, there are evading taxes, fees (mandatory payments). Disposition of the norm provided for in Part 1 of Art. 212 of the Criminal Code of Ukraine, contains a crime-generating feature – "if these acts led to the actual non-receipt of funds in the budgets or state target funds in significant amounts". The actual non-receipt of funds is a socially dangerous consequence, which in the theory of criminal law is called "non-receipt of due".

Ignoring this circumstance may lead to the formulation of disputed legal positions. Thus, I.O. Zinchenko and V. I. Tyutyugin, in general, correctly point out that most of the long-term crimes usually start from inactivity, for example, by avoiding payment of alimony for the maintenance of children (Article 164 of the Criminal Code) [25]. At the same time, the words "offenses that begin with inactivity" precisely needs to be clarified, since under it two different legal consequences of the situation can be understood: 1) the beginning of the execution of the crime, but before its completion, which occurs later and is associated with the onset of a certain legal fact ; 2) a situation where the inactivity in itself forms the complete structure of the crime. In our opinion, the first of these options represents the evasion of taxes, duties (compulsory payments) [art. 212 of the Criminal Code of Ukraine], since inaction in the form of tax evasion does not form the finished crime yet - the crime will be terminated from the moment of the criminal offense, namely the actual non-receipt of funds to the budgets or state target funds in significant amounts. While evasion of payment of alimony for the maintenance of children (Article 164 of the Criminal Code of Ukraine), the fact of inactivity - failure to comply with the relevant decision of the court - already forms the complete structure of the crime.

At the same time, it should be borne in mind that the issue of attributing tax evasion (Article 212 of the Criminal Code of Ukraine) to long-term crimes in domestic science of criminal law is debatable. Thus, O. O. Dudorov considers characteristic of long-term crimes that the long and continuous non-fulfillment of guilty obligations, which occurs after the commission of the original single act, is included in the objective (in the original, the "object» is written that is technical Error - T.R.) parties to a criminal offense, covered by the composition of a specific crime [13]. Here O. Dudorov agrees with the position of A.M. Ryshlyuk, who writes:"Inthe same cases, when the prolonged action or inaction, which goes beyond the original act of a crime, goes beyond the limits of the composition, the crime should not be considered long-term" [15].

Consequently, according to O. Dudorov, there is no reason to admit a long-term offense, stipulated in Art. 212 of the Criminal Code, although the obligation to pay the tax and the fee after the expiry of the established term, is retained for the payer. The moment of non-fulfillment of the duty stipulated by the tax law after the crime is over, does not affect the qualification of evasion of taxes and fees. Further non-fulfillment of the fiscal, and not criminal law in character of the duty of the composition of the crime, stipulated by Art. 212 of the Criminal Code, is not covered and, from the standpoint of the criminal law assessment of the committed by this norm, does not matter, how much time it would last [13].

It follows from the aforementioned position that O. Dudorov acknowledges only non-fulfillment of a criminal-legal duty by a guilty as a sign of a long-term offense - a duty not to carry out certain actions prohibited by a criminal law (to store weapons or drugs, to participate in a gang, etc.). The consistent logical development of this view leads to the conclusion that other crimes formulated by the legislator as evasion of the fulfillment of a certain legal obligation established by other laws (not criminal-law nature) cannot be consideredlong-term.For example, alimony responsibilities for keeping a child are established by family law. For their malicious non-fulfillment criminal liability is provided (Article 164 of the Criminal Code of Ukraine). That is, as in the case of tax evasion, the moment of non-fulfillment of the obligation settled by the family law after the end of the crime (the guilty has refused to pay alimony in spite of the court's decision), the qualification of this crime will not be affected. However, in this situation, O. Dudorov thinks differently: he admits evasion from paying alimony for the keeping of children by a long-term criminal offense, since a long-term criminal offense can end because of an independent one and, as an example, leads to the death of a child, whose detention was evaded by the guilty [13].

Thus, logic requires: either not consider all types of crimes committed by avoiding the fulfillment of obligations established by other (non-criminal) laws as long-term, or to recognize that tax evasion as long-term.

In the process of distinguishing between long-term and continuing crimes, A.M.Orazdurdiyev sees the first and most important difference between them in the fact that continuous character of a long-term crime is underlined in the content of the article of the criminal law. For example, if the word “evasion”is used in the disposition, then this indicates a long-term, continuous nature of this crime [26].

According to A. O. Orazduriyev, in the theory of criminal law, some simple crimes are unreasonably referred to a group of long-term. So, when using a fake document, even a single actwill be completed by the composition of the crime, which will be covered by the relevant article. The same thing should be noted about the wearing of cold weapons. Even if the guilty one goes out with a knife and is immediately detained, he will be prosecuted for wearing a cold weapon. It follows that several acts of wearing one and the same weapon with the same purpose are continued, and not a long-term crime [26].

2. Classification of long-term crimes

Criminal legal literature offers different approaches to the classification of long-term crimes. Thus, V. Chernov believes that the list of long-term crimes is small and in the nature of the objective side, they can be divided into two groups: a) different kinds of evasion from the duties imposed by the law on a guilty; b) storage of prohibited items [11].

According to I. O. Zinchenko and V. I. Tyutyugin, the basis for the classification of long-term crimes is to recognize the active (action) or passive (inaction) nature of the act from which the implementation of the objective side of the crime begins. On the basis of this, they distinguish a group of crimes related to the long non-fulfillment of duties imposed on a person by a criminal law (for example, provided for in Articles 164, 165, 212^1, 2121, 214) and a group of crimes related to a long violation of the prohibition established the law (in particular, provided for in Articles 146, 147, 263, 307, 311, 393 of the Criminal Code) [25].

Most other scientific approaches to the classification of long-term crimes largely repeat the above division. At the same time, sometimes there are attempts to expand this classification due to the introduction of the third group of long-term crimes. For example, T.G. Chernenko proposes to select a third group of long-term crimes related to the illegal restraint of the will of the victim [27]. I. O. Zinchenko and V. I. Tyutyugincriticize this position; in their point view, there is not sufficient reason for such an extended classification, since crimes of the second and third groups are inherently related to the violation of the various prohibitions established by law [25]. In our opinion, the more logical point of view is the position of those authors, whose signs of long-term crimes of the third group see as such that began with the active actions of the perpetrator, continues in the form of inaction, that is, evasion from performing a certain duty , charged with criminal law. Such crimes include escapes from the place of imprisonment or from custody and desertion [9]. Another criminal-law description of escape from a place of imprisonment or from custody is given by I. O. Zinchenko and V. I. Tyutyugin. They disagree with the position that further actions of the subject of escape or desertion are inactivity and insist that escape from the place of imprisonment or custody is characterized by a long-term action [25]. The above-mentioned peculiarities of the legal nature of long-term crimes affect the *place* of their commission.

3. The question of establishing a place of committing a long-term crime

On this issue in the field of criminal law there have been discussions and they still continue. During the times of the USSR, the importance of this issue was given to complex cases of determining the place of committing a long-term offense committed on the territories of several Union republics. M. I. Bloom correctly noted that the correct identifying of the place of commission of crime in accordance with the requirements of Part 1 of Art. 4 Fundamentals of the criminal legislation of the Union of Soviet Socialist Republics and the Union republics are not only theoretical interest, since the criminal codes of these republics provides for different penalties for committing the described crimes [28].

In this aspect, for example, V. Chernov wrote that the main criterion for establishing a place of committing a long-term offense should be recognizedas law-enforcement interest, which is harmed. On the basis of abovementioned, scientist drew attention to the decision of the Soviet criminal law on the place of committing a long-term crime in those situations where the guilty committed certain actions in the territories of several union republics: "A person who illegally retains firearms in the territories of various union republics is equally dangerous and a threat to public safety. Therefore, its actions qualify for the Criminal Code of the Union republic, where the criminal activity was completed or ceased (loss of weapons, appearance with confessions, interference of the authorities, etc.)" [11].

At the same time, another approach was used to establish the place of escape from places of imprisonment or custody. V. Chernov emphasized that the escape ended with the moment of the release of the guilty person outside the place of imprisonment or control of the guard. This crime, in his opinion, ends with the apprehension of the person who fled, or as a result of his appearance with confession. The judicial and investigative practice of the USSR recognized only the location of the correctional establishment, the pre-trial detention, where the escape occurred from where the crime was committed [11]. That is, the practitioners essentially developed a rule according to which this long criminal offense was committed in the place where the socially dangerous act, which formed the finished crime, was commenced and ended. K. L. Akoyev emphasized the problem of identifying the place of committing long-term and continuous crimes recorded in the territory of several sovereign states. The peculiarity of their objective side is that it is characterized by either continuous implementation, which is manifested in the performance of the guilty legal obligation to act or refrain from action, or the execution of a series of identical, encroaching on one object, about united by the unity of criminal intent, actions. In that case, and in other cases, it is the only crime that, when it is finished, is committed in the territory of several sovereign states [29].

The scientist noted that in Soviet times in the theory of the location of the commission of such crimes and the selection of the criminal-law required for qualification (from among the competing Criminal Cords of the corresponding Union republics), the widespread opinion was that in such cases the Criminal Code of the Union republic, which contains the most severe punishment should be applied for the committed long-term or continuing crime [30].

At the same time, the right of each Union republic to establish the form and extent of punishment for the crime was its sovereign right (unless liability for it was determined by the all-Union legislation), and therefore bringing a person to criminal responsibility for the CC of the Union Republic, which provided for the most severe punishment, certain the extent would violate the rights of other union republics in the area of their criminal jurisdiction.The current judicial practice was moving in a different way. It developed certain rules in relation to the cases of the analyzed category, which cannot be agreed upon. These rulesshould be emphasized: a long-term crime was recognized as committed in the place where the socially dangerous act was commenced and ended, which formed the finished crime.

In deciding on the application of the criminal law to long-term crimes committed on the territory of two or more republics, V. Kudryavtsev believed that in such cases, there are four possible solutions: 1) a long-term offense is qualified according to the law of the Union republic, which recognizes this crime in a comparable way more severe; 2) a long-term offense is qualified according to the law of the republic where the long-term offense is commenced; 3) a long-term offense is qualified according to the laws of the republic where the long-term offense has ended; 4) during the qualification of a long-term offense, the intensity of the actions of the person in different territories, the duration of the act, the nature and degree of public danger of these actions, etc., are taken into account.According to V.M. Kudryavtsev, as the basis of the discussion, it would be worth taking the first and third decisions and using them not as equivalent, but in a certain combination: if a long-term crime in the territory of the republics, where it is committed, is evaluated differently from the point of view of its severity, then more stringent law should be used; if the severity of this crime in both territories is by law the same, then it is worth applying the law of the republic where the crime was completed [31].

Analyzing views of V.M. Kudryavtsev, M.I. Bloom concluded that the third solution proposed by the scientist was more correct: to qualify a long-term criminal offense under the law of the republic where it was completed [28]; in all cases where the only continuous or continuous crime is committed in the territories of two or more republics and harms the lawful interests of these republics, it should be qualified in accordance with the criminal law of the republic where the commission of the long-term offense was terminated or where the last one was committed from homogeneous criminal acts, which form the single continuing crime [28]. M.D.Durmanov, in his turn, proposed to recognize the place of committing a long-term crime in any place where such a crime was committed for some time and, therefore, it is possible to apply the criminal law of any of the Union republics in the territories where it was committed, depending on the place where the guilty is brought to criminal responsibility and given to the court [32]. O. V. Obodovsky discussed the subject of this issue in modern Ukrainian science of criminal law. In his opinion, only one aspect of the issue about the place of committing a long-term crime can be considered at present, namely: in case where person who committed a long-term criminal offense in Ukraine only partially, would be subject to criminal liability for the Criminal Code of Ukraine. However, this situation is solved unambiguously: according to Part 1 of Art. 6 of the Criminal Code of Ukraine, persons who committed crimes on the territory of Ukraine are subject to criminal liability for the Criminal Code of Ukraine, and in Part 2 of this article it is clearly determined that a crime is deemed committed on the territory of Ukraine if it was commenced, extended, completed or terminated in the territory Ukraine (a similar regulation - stipulated in part 2 of Article 6 of the Criminal Code of Ukraine, the Criminal Code does not contain). Accordingly, a person is subject to criminal liability for the Criminal Code of Ukraine in the event that a lengthy crime in the territory of Ukraine was committed at least partially [14].

Thus, the main feature of a long crime, which reflects its legal nature, in the theory of criminal law recognize the continuity of the commission of a particular crime. Such an understanding of a long-term crime can lead to the conclusion that the place of its commission is everywhere, where is the subject of a criminal state. Some scholars suggest to consider a long-term criminal offense committed where its not legal, but actual completion took place.

In turn, the situation of the commission of a crime is a combination of the place and time of the commission of a crime. An important conclusion goes out of that: the place of committing a crime cannot be "anywhere", just as the time of committing a crime cannot be "at any time" - there is always a "binding" of the person's behavior to the space-time continuum. In our opinion, this "binding" is carried out solely by committing a socially dangerous act - it always takes place at a certain time and in a certain place, although in the future the person may well be in the so-called "criminal state", characterized by the continuous implementation of the crime. However, it has been established that lengthy crimes, in turn, are divided into several types, which differ significantly in legal characteristics. Not going into other classification of long-term crimes, we note the most common of them: a) crimes related to active behavior in the form of a long-term violation of the criminal law; b) crimes committed by long-term evasion of certain duties. Obviously, such different legal characteristics of the long-term crimes should be "brought to one denominator" from the point of view of the place of their commission. A considerable rule, developed by the USSR judicial practice for escaping from the place of serving a sentence or from custody, may help us here: this long-term criminal offense was acknowledged committed at the place where the socially dangerous act, which formed the finished crime (the first the kind of long-term classification crimes that we are considering in this article)

The long-term nature of the violation lies in the fact that after the completion of a socially dangerous act, which forms the finished crime, the person falls into the so-called "criminal state" - for example, having escaped from the place of imprisonment, is "in running". Each continuous crime is characterized by the fact that the act of the person contains the composition of the completed crime in the legal sense, and in fact - the presence of the subject in a state of "violation of the criminal prohibition" - the storage of weapons, the storage of drugs, etc. The same rule can be extrapolated to long-term crimes committed by avoiding certain responsibilities. The place of commission of such crimes may be considered that part of the territory of the state where the subject of the offense was obliged to act on the proper performance of the corresponding obligation, the failure to fulfill which formed the legal term, which ended in the crime. If it is even simpler to formulate the essence of the above-mentioned approach, then the *place of committing a long-term crime* (both of these varieties) should be considered the place where the person committed the act (action or inactivity) through which the person received a "criminal state". We believe that such a theoretical solution will simplify the practice of law enforcement and at the same time allow solving the problems of establishing a place of committing many remote offenses, for example, computer ones.

Conclusions.

In science of criminal law, there is still no clear and unified understanding either of the legal nature of such acts or of the exhaustive list of features that constitute the concept of long-term crimes or the distinction of their varieties.

Thus, in the science of criminal law there are differences in the understanding of the legal nature and signs of continued crimes for a long time. The above has a significant impact on the solution of practical issues, in particular, the establishment of a place of committing long-term crimes. Thus, the purpose of this study is to form a scientifically grounded and practically acceptable approach to establishing the place of committing long-term crimes on the basis of disclosure of their legal nature.

Current Criminal Code of Ukraine defines the concept of an continuing crime (Part 2 of Article 32), while the definition of a long-term crime is formulated by the theory of criminal law. In addition, we note that the criminal codes of some countries contain a definition of the concept of long-term crimes.

Thus, all legislative definitions of a long-term offense include an indication of such a feature as the continuity of the commission of a crime. In the criminal codes of the republics of Georgia and Moldova, the legislator stops on this feature of long-term crimes and does not add to others. At the same time, the criminal legislation of the republics of Latvia, Tajikistan and Uzbekistan, as an additional sign of this crime, provides for the following long non-fulfillment of duties assigned to a person. The difference in legislative approaches to defining the concept of a long-term crime depends on the perception of one or another theoretical position regarding the legal nature of such crimes.

Criminal legal literature offers different approaches to the classification of long-term crimes.According to I. O. Zinchenko and V. I. Tyutyugin, the basis for the classification of long-term crimes is to recognize the active (action) or passive (inaction) nature of the act from which the implementation of the objective side of the crime begins. On the basis of this, they distinguish a group of crimes related to the long non-fulfillment of duties imposed on a person by a criminal law (for example, provided for in Articles 164, 165, 212^1, 2121, 214) and a group of crimes related to a long violation of the prohibition established the law (in particular, provided for in Articles 146, 147, 263, 307, 311, 393 of the Criminal Code) [25].

The above-mentioned peculiarities of the legal nature of long-term crimes affect the *place* of their commission. On this issue in the field of criminal law there have been discussions and they still continue.

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