

Summary

The year: 2020.

Specialty / field of study (code and full name): 40.03.01-Law

Level of study: bachelor's degree.

Institute or Higher school: Law University.

Department of criminal law disciplines and forensic expertise

The subject of the final qualifying work: "Crimes against property under Russian law: current problems of qualification".

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The relevance of the research topic. Any social changes, and even more so, such global changes that occurred in the Russian Federation at the end of the 80 - ies of the last century, invariably entail significant changes in any sphere of society's life, and, first of all, in the economy as a whole. According to official statistics, crimes against property from year to year in the structure of ordinary crime occupy a leading position, and in the field of crime against property, more than 50% of the total number of crimes are crimes related to theft of other people's property. For example, in 2003, in the structure of ordinary crime, the percentage of crimes related to theft of other people's property was 47.1%, and by the beginning of 2020, their number was 50.0% of all registered crimes. The high prevalence of crimes against property causes significant damage not only to individual citizens, but also to society and the state as a whole.

In addition, taking into account the statistics of detection of both ordinary and property crimes, in particular, these acts, in addition to damage, destabilize the social foundations of society and, in a certain sense, undermine the authority of the authorities.

Naturally, the state has always responded appropriately to crime and its changes in a particular historical period, which is confirmed by the norms of Russian criminal and administrative legislation.

Current legislation – the Code of administrative offences and the criminal law of the Russian Federation provide for the types and characteristics of offences and crimes against property. Also, one of the features of the legal regulation of this group of criminal acts is that the Law differentiates all crimes against property, taking into account the method of their Commission (non-violent or committed with violence), related or not related to the theft of other people's property, as well as the presence or absence of self-interest in the actions of the perpetrators.

Purpose: based on the analysis of the most urgent problems of qualification of crimes against property and ways to resolve them.

Objectives: to perform objective and subjective signs of specific types of crime against property; to consider actual problems of qualification of crimes against property related to the theft of another's property; clarification of objective and subjective signs of other acquisitive crime against property; to assess the effectiveness of the application of criminal-legal norms providing responsibility for crimes against property under the current criminal law; to study objective and subjective signs of other non-commercial crimes against property; to make proposals for improving the criminal legislation in the field of countering crimes against property.

Theoretical and practical significance of the research. The results, conclusions and provisions obtained in the course of the study expand the knowledge about the need to develop the theoretical foundations of criminal law on the types and characteristics of crimes against

property. The formulated conclusions can serve as directions for solving problems related to the qualification of the considered types of crimes; serve as a basis for further research in the field of crime against property; they can also be used in law enforcement activities of investigative and judicial bodies, in improving criminal legislation, and in teaching academic disciplines of criminal law.

Research result

On the objective side, the crime against property is characterized by the illegal seizure of property from the owner's possession. Since property as a social phenomenon is multi-faceted, it is necessary to distinguish between the actual and legal aspects of property seizure. On the actual side, the seizure of property is its exclusion from the sphere of material, property ownership of the victim. The legal aspect of seizure means that as a result of the Commission of a crime, the measure of legal power and legal dominance assigned to the owner of a particular property is reduced.

1. The protection of the rights of the owner is an indispensable function of any state, which is obliged to guarantee the stability of property relations, providing conditions for their protection. The right of Russians to protect their property is enshrined in a number of regulations, a special place among which is occupied by criminal legislation.
2. In the Special part of this Code contains provisions that impose criminal liability for crimes against property. The most dangerous encroachments on property are theft of other people's property, which manifests itself in various forms of its Commission.
3. Crimes against property can be defined as a culpably committed socially dangerous act that violates the rights of the owner to own, use, dispose of property by illegally withdrawing property from the owner's possession, depriving the owner of the benefits of extracting useful properties from the property object belonging to him.
4. Differentiation in the Criminal code of the Russian Federation of forcible taking of someone else's property by types (robbery with violence and robbery) has no convincing, rational grounds. It is advisable to combine in the Criminal code of the Russian Federation Violent robbery and robbery in one crime – "robbery".
5. Taking someone else's property by violence or with the threat of its use should constitute the main crime, and taking with the use of moderate severity, serious harm to health — qualified types of robbery.
6. it is advisable to exclude from the Criminal code the provision providing for liability for illegal possession of a car or other vehicle without theft; for causing property damage by deception or abuse of trust.
7. the system of crimes against property in the Criminal code of the Russian Federation should include such encroachments as theft, embezzlement, fraud, robbery, taking possession of someone else's property of special value, extortion, destruction or damage to someone else's property.

Recommendations

Modern criminal situation in Russia is characterized by negative trends and processes related to crime dynamics and structure are determined not so much by traditional causes and conditions, although they remain important, as many factors arising from the current crisis phenomena in the socio-economic sphere. This is especially noticeable in the structure of mercenary crime. The current economic situation and law enforcement activities carried out in the modern period indicate the need for a comprehensive approach to the study of socially dangerous acts in the field of crimes against property.