

Summary

The year: 2020.

Specialty / field of study (code and full name): 40.02.01-Legal organization of social security

Level of education: secondary vocational education.

Institute or Higher school: Law University.

Department of criminal law disciplines and forensic expertise

Topic of the final qualifying work: "Legal liability for an offense in the pension system"

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Relevance of the research topic: This topic is relevant for many reasons due to the fact that it affects the interests of every citizen of the Russian Federation at any stage of his life. The Constitution, as the basic law of the Russian Federation, States that the Russian Federation is a social state. This means that the state not only proclaims itself as such, but also guarantees the social rights of the population enshrined in the country's Constitution and ensures their timely protection. One of the types of social rights of citizens of the Russian Federation includes pension provision for persons who, due to certain life circumstances, need state support – these are persons who have reached retirement age or are in a state of incapacity, or have lost a breadwinner, etc. The Existing pension system is designed to ensure maximum awareness of the population about all opportunities for investing and increasing their pension savings. However, as in any sphere, the pension system is subject to various offenses, for the Commission of which, taking into account the nature and degree of their public danger, the corresponding type of punishment established by the legislation of the Russian Federation is provided – administrative or criminal. Given that the most vulnerable part of the population needs pension provision, the study and prevention of offenses in the social sphere under consideration is the basis for a stable and secure future.

Purpose: to study the main types of offenses in the pension system of the population, problems related to violations in the field of social security of the population and types of responsibility for their violations.

Tasks:

- study of classifications of social relations in the sphere of the pension Fund that are subject to legal regulation;
- analysis of theories of legal liability for violations in the field of social security under the legislation of the Russian Federation;
- consideration of types of administrative and criminal liability for violations in the pension system of the population;
- clarification of current problems related to ensuring the normal functioning of the pension Fund.

Theoretical and practical significance of the research: the theoretical significance of the work is that its results can be used in further research when analyzing problems related to the concepts and types of offenses in the pension system, as well as types of legal liability for their Commission. The practical significance of the research lies in the fact that its materials can be used in the practical activities of law enforcement agencies, in the educational process of law Schools in the study of the disciplines "Administrative law", "Criminal law", and special education. course "Organization of work of bodies and institutions of social protection of populations and bodies of the FIU".

Research results:

one of the most common crimes in the field of social security is non-payment of wages, pensions, allowances and other payments, scholarships. For this crime, responsibility is provided for in article 145.1 of the criminal code of the Russian Federation. The specified crime

encroaches on violation of the rights provided in part 3 of article 37 of the Constitution of the Russian Federation.

The social danger of this crime is that among the social values there is a human right to a decent and free life, and this largely depends on well-being.

At the same time, pensions, salaries, allowances and other social benefits, scholarships and allowances for Russians often cannot provide a person and their family with everything they need.

In addition, payments of wages, pensions, scholarships, allowances and other payments create social tension, can be both hostile and contradictory in society, and also affect global problems, such as protests, strikes, and so on.

Recommendations:

The harm caused by the crimes under consideration is not subject to simple accounting, since it is:

first, social in nature (violation of the norms of the Constitution of the Russian Federation and labor legislation, loss of confidence in the existing government, loss of health during hunger strikes, etc.);

Secondly, the economic nature (disorganization of enterprises and organizations, losses from strikes in the workplace, etc.).

In Addition, the crime under article 145.1 of the criminal code of the Russian Federation can determine other types of crime, primarily theft. The subject of the crime in question is: wages; benefits; pensions; scholarships or payments established by law.

Victims of this crime are persons who have the full right to receive legal payments (employees, students, pensioners, etc.). the Objective side of the crime under part 1 of article 145.1 of the criminal code of the Russian Federation is expressed in partial non-payment of more than three months of wages, pensions, scholarships, allowances and other payments established by law.