

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

Keywords: extortion, problems of application, system of crimes against property

Topic of the graduate qualification research: Criminal-legal characteristics of extortion

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Awarding Authority: Pyatigorsk State University

Topicality of the research: Extortion is a complex composite crime, the disclosure of which is associated with a number of difficulties, and not only of a subjective nature. Throughout the history of its existence, this type of crime has been classified as objectively high-latency. This is partly due to the ability of extortion to mimic a seemingly legitimate activity, as well as the complex structure of the crime. In addition, in some cases, the extortioner's claims are based on civil law relations, which may affect the re-qualification of extortion for arbitrariness (article 330 of the criminal code of the Russian Federation).

At present, extortion is also characterized by the fact that, penetrating into all spheres of public life, it easily adapts to changing market conditions, and has a pronounced intellectual connotation. Often extortionists are familiar with the law, act boldly and coherently and, taking advantage of gaps in the law, choose a model of behavior that is not formally criminal, but forces the victim to comply with the requirements of the perpetrators.

The above-mentioned facts of extortion caused increased attention of the legislator, law enforcement practice and science to the issues of criminal liability for this type of crime. Certain changes have been made to the rules on extortion. However, the practice of reforming the criminal legislation of the past years has followed the path of rapid response to the current and most dangerous forms of extortion, concerned only the signs that aggravate the responsibility for extortion, and did not affect the substance of the crime.

The constitutive features of extortion also need improvement and legislative revision, since the current legislative wording of article 163 of the criminal code of the Russian Federation does not fully cover socially dangerous acts that are essentially extortion, but, due to the imperfection of the criminal law norm, legally cannot be recognized as such.

These factors indicate the need to develop theoretical provisions and scientific basis for improving the legislation regulating liability for extortion.

The problems of extortion qualification, which law enforcement often faces, also require further theoretical understanding.

Nor can we ignore the comprehensive development of modern technologies that

provide a wide range of options in the choice of means of committing extortion and have an impact on the subject of extortion.

The above indicates the relevance of the research topic.

The purpose of the research is to analyze the criminal-legal characteristics of extortion.

Objective:

to disclose the history of the development of responsibility for extortion in criminal legislation;

to give a General description of the concept and signs of extortion under the Criminal code of the Russian Federation;

to identify qualified and highly qualified extortion agents and problems with their enforcement;

to consider delineating the crime under article 163 of the criminal code from related elements of the crime.

The theoretical and practical significance of the research is primarily due to the fact that the research results can be used in the further scientific development of problems of criminal and legal characteristics of extortion. Practical recommendations can be used to improve legislation.

Research of results: Extortion is a special form of mercenary and, as a rule, violent attacks on property relations, which are closely related to the theft of other people's property, but do not belong to this relatively large group of crimes.

The main object of extortion is property relations, since criminal activity in extortion is mainly aimed at property relations, and encroachment on the interests of the individual is a means to achieve a selfish goal.

As for the objective side of the crime under investigation, the criminal commits two interrelated and independent actions: the demand to transfer property or the right to property, or to commit actions of a property nature and threats. In addition, the first is directed against the main object, and the second (threat) - against the interests of the individual, in order to ensure the implementation of encroachment on the main object.

Many difficulties for representatives of the theory of criminal law and law enforcement practice are caused by the separation of extortion from related structures. The qualification of this type of crime is extremely difficult, because due to its formal characteristics, this act, at first glance, falls under the scope of several articles of the Special part of the Criminal code of the Russian Federation.

Recommendations: the main start for improving criminal legislation is to change article 163 of the criminal code of the Russian Federation, since it contains absolutely certain types of threats that exclude punishment for such acts when extortionists use various other threats. In this regard, the wording of the first part of this article was proposed with reference to "other threats»: "Extortion, that is requirement to transfer another's property or property rights or committing other actions of property character under the threat of violence or destruction or damage of property, and under the threat of dissemination of information defaming the victim or his family, or other information that may cause substantial harm to the rights or legitimate interests of the victim or his relatives, or involving other forms

of psychological violence".

In General, the study allowed us to identify specific features that characterize modern extortion, the state of criminal legislation on this type of crime, existing problems and difficulties in understanding the legal nature of extortion, its composition and differentiation from related structures. Based on this, attempts were made to formulate recommendations and proposals for further improvement of criminal legislation and resolution of issues arising from law enforcement officers on the investigated crime.