

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:: "A fine as a form of punishment under russian criminal law".

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The relevance of the research topic. One of the priority areas in the criminal law policy of Russia at the present stage is the reduction in the use of punishment in the form of deprivation of liberty and the wider use of punishments not related to isolation from society. In particular, such a penalty is a fine. A fine as a form of criminal punishment does not require any significant costs for its execution, but at the same time, the effectiveness of its application depends entirely on the state of criminal law and penal regulations governing its appointment and execution. Inadequate theoretical development of various institutions of the existing criminal law, as a rule, leads to ambiguous decision-making or errors in judicial practice, the adoption of unjust sentences. In order to avoid this, the theory of criminal law should develop a detailed explanation of each provision of the current criminal law. In addition, the use of the results of judicial practice allows the theorists of criminal law to constantly identify the shortcomings in the criminal law and make suggestions for its improvement. The foregoing also applies to the use of a fine as a form of criminal punishment and confirms the relevance of the research topic.

The purpose of the work: the study of the concept and essence of the fine as a form of criminal punishment under the laws of Russia, the search for ways to improve the current legislation on the fine and the practice of applying this type of punishment.

Objectives: to analyze the regulatory framework for the appointment and execution of a fine under the current criminal and penal law of Russia; to characterize the concept of a fine as a criminal punishment and to determine its place and importance in the system of punishment according to the current norms of criminal and penal law; to correlate the fine as a criminal punishment with a judicial fine as another measure of a criminal legal nature, as well as with a fine as an administrative punishment; consider the imposition of a fine as a criminal punishment; to consider the procedure for the execution of the fine assigned to the convicted person by the court verdict, both the main and the additional type of punishment; formulate recommendations for improving the criminal law and practice of its application.

Theoretical and practical significance of the research: consists in the fact that the conclusions and suggestions formulated in the work can be used in the rulemaking process, in conducting scientific research in the field of criminal and criminal executive law, as well as in the educational process for teaching criminal law courses, preparing textbooks and teaching aids . The practical significance of the work lies in the fact that the developed recommendations will make it possible to better use the institution of criminal punishment in organizing the fight against crime.

Results of the study:

1. A fine as a form of criminal punishment: this is a measure of criminal liability imposed by a court verdict on the person guilty of a crime and expressed in a certain amount of restrictions on his property interests.
2. Under the current Criminal Code of the Russian Federation, a fine, in the vast majority of cases, is provided for crimes of small and medium gravity. The appropriateness of applying the fine is obvious. The penalty has many advantages over other types of punishment, it can have a tangible effect on the convicted person in order to prevent him from committing a new crime and as a punitive means that robbed him of considerable money.
3. At present, in Russian criminal law, a penalty sometimes plays a supporting role, that is, appointed when there is a possibility not to appoint deprivation of liberty. It seems that imprisonment should be perceived by the court as a measure imposed in exceptional cases, in the absence of even the slightest opportunity to impose a sentence without isolation from society. However, if the convicted person does not have the means to pay the fine, not imprisonment should be assigned, but compulsory work, which is a real means of compensation for damage, and, consequently, the restoration of social justice.
4. The penalty is a more severe punishment in comparison with correctional labor. This is confirmed by the fact that a fine can be imposed in the amount of the convicted person's salary or other income for a period from two weeks to one year, and with the appointment of correctional labor, deductions can amount to only five to twenty percent of the salary during the term which can be prescribed ranging from two weeks to two years. A fine in the amount of the convict's wages for two weeks is also a more severe punishment than serving two months of correctional labor.
5. A fine is an appropriate measure of punishment for crimes committed out of mercenary motives, or for reasons related to causing material harm to citizens, the state or society.

Recommendations

- We suggest recognizing corrective labor as a less severe punishment than a fine and amending the arrangement of these types of punishments in Art. 44 of the Criminal Code.
- The assignment of a fine to minors should be only if he has his own earnings or other income, since in the case of payment of the fine by parents or other persons, the individual nature of the punishment and its educational role are lost. In this regard, part 2 of article 88 of the Criminal Code of the Russian Federation, we propose to amend it by presenting it in the following edition: "The penalty is imposed as if the juvenile convicted has independent earnings or property that may be levied. "A fine shall be imposed in the amount of one thousand to fifty thousand rubles, or in the amount of the wage or other income of the minor convict for a period of two weeks to six months."
- Part 5 of the Art. 46 of the Criminal Code does not limit the court in imposing a different sentence, not provided for by the sanction of the article, however, the law does not establish how to correlate the size of the fine with a different type of punishment. The solution of these problems is possible by expanding the provision provided for in Part 5 of Art. 46 of the Criminal Code of the Russian Federation, as well as the definition of the criterion for the correlation of the size of the fine with other types of punishment, as defined in Art. 71, 72 of the Criminal Code.
- The low enforceability of the fine is explained by the lack of effective stimulants for law-abiding post-criminal behavior, both positive and negative. In this regard, it is possible to borrow the provisions of administrative law regarding the reduction of the amount of the fine in case of timely payment, and on the other hand, expand the possibility of replacing the fine with a more severe punishment up to imprisonment in case of malicious evasion.