

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:: "Composition of a crime: concept and criminal legal significance".

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The relevance of the research topic. In order for legal science to successfully contribute to solving the problems facing law enforcement and judicial authorities, to really help in combating crime, it seems necessary to study not only individual, private aspects of this science. Of fundamental importance is the resolution of common problems of both law in general and its individual branches, since it is the resolution of these general issues that will allow us to correctly solve specific problems of both investigative and judicial practice. The correct, thorough solution of general legal problems will ensure the lawfulness of the law enforcement activities of the competent state bodies and justice in general, and will achieve uniformity and stability in law enforcement practice. Among these general problems of criminal law is the problem of qualification of crimes. The qualification of a crime is the establishment and legal consolidation of an exact correspondence between the signs of the committed act and the signs of corpus delicti provided for by the criminal law norm. In this connection, the correct criminal law characterization of the corpus delicti and, accordingly, the signs of its constituents, which this work is devoted to, is of particular importance. We can say that the category "corpus delicti" is one of the central ones in criminal law due to the fact that according to Article 8 of the Criminal Code of the Russian Federation, the basis of criminal liability is the commission of an act containing all the signs of a corpus delicti provided for by this code. Thus, a person can be held criminally liable only if he has in his act all the signs stipulated by the criminal law that form the corpus delicti. The above indicates the great importance of the need to study the concept of corpus delicti and its individual elements.

The purpose of the work:It consists in determining the nature of the corpus delicti and its significance for the qualification of crimes, in identifying its content as a combination of its constituent features.

Objectives: determination of the composition design, categories of attributes included in it; the establishment of specific characteristics of each feature that distinguish this composition from another composition of a similar design; an understanding of the content of each particular characteristic; analysis of the points of view available in the scientific literature on the problems addressed in this work; identification of the criminal law significance of the offense.

Theoretical and practical significance of the research: lies in the fact that it can serve as a basis for further scientific study of the problems of corpus delicti and can be used both in the process of teaching legal disciplines of a criminal law orientation, and in the law enforcement practice of the judicial and law enforcement agencies in qualifying crimes committed.

Results of the study:

1. The general concept of the corpus delicti is scientific abstraction, a kind of information model that plays a dual role. Firstly, it gives an idea of the requirements of the law. On the other hand, this model provides information on the properties of the perfect concrete act, which should be identified in the investigation of the case. The connection, the coincidence of information of the first and second kind and occurs when qualifying a crime.

2. The criminal-legal significance of the corpus delicti consists in the fact that it serves as the necessary and only legal basis for bringing a person who committed a crime to criminal liability. In addition, the composition makes it possible to distinguish between crimes of various categories, which, in turn, makes it possible to differentiate responsibility depending on the degree of public danger of various crimes.

3. The corpus delicti includes four elements: the object, the objective side, the subject and the subjective side. In this case, the object of the crime is public relations protected by criminal law, to which a specific assault is directed and by which the crime inflicts harm or creates a real threat of harm. The objective side of a crime includes an act or omission committed by a criminal (criminal act). In addition, the objective side of the crime includes harmful consequences, which are indicated in a number of articles of the Special Part of the Criminal Code, the causal relationship between them and action (inaction). The concept of the objective side also includes time, place, situation, means and instruments of crime, which are relevant for qualification in those cases when they are provided in the law as signs of a crime. The subjective side of the crime is the mental activity of a person directly related to the commission of the crime. The content of the subjective side of the crime is revealed with the help of such legal features as guilt, motive, purpose. Guilt is manifested through direct or indirect intent, or through negligence in the form of frivolity or negligence.

The subject of a crime is a person who has committed a socially dangerous act prohibited by criminal law and capable of incurring criminal liability for it.

Recommendations

- One of the most debatable issues is the recognition by the legal fiction of the existence of a causal relationship between an unlawful act and the ensuing consequences in cases where the unlawful acts were committed by several persons at the same time, but the harm caused was the result of actions of only one person, and it is impossible to establish whose actions this harm is done. For the purpose of a uniform understanding and criminal law assessment of the situations under consideration, this issue should be addressed at the legislative level.

- The current criminal legislation of the Russian Federation proceeds from the principle of limited liability for negligence: "An act committed only through negligence is recognized as a crime only when it is expressly provided for in the relevant article of the Special Part of this Code" (part 2 of article 24 of the Criminal Code) This wording is in conflict with a number of articles in the Special Part. Thus, the content of the disposition of a number of obviously negligent articles of the Special Part does not contain the instructions required in Article 24 of the Criminal Code. In our opinion, it is necessary to make additions to the dispositions of the relevant norms of the Special Part of the Criminal Code, the meaning of which can be such that the subjective side of the crimes can be expressed in intentional or careless violation of certain rules.

- It seems necessary to set forth Article 22 of the Criminal Code of the Russian Federation as follows: "A person who has a reduced ability to give a report in his actions or to manage them due to a mental disorder is considered to be reduced sanity. "The punishment is assigned based

on the state of the psyche, but it cannot be more severe than the punishment imposed on mentally healthy persons."