

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:: "Crime in the criminal law of Russia: concept, signs, types".

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The relevance of the research topic. The concept of crime is one of the main categories of criminal law. The law establishes what dangerous acts are recognized as crimes for the individual, society or state, which is necessary for the implementation of the tasks facing the criminal law of protecting the individual, rights and freedoms of man and citizen, property, public order and security, the environment, the constitutional system of the Russian Federation from criminal encroachments, ensuring peace and security of mankind, as well as crime prevention (Article 2 of the Criminal Code of the Russian Federation). Criminal law is designed to study the kind of deviant (deviant) behavior of people - criminal behavior, i.e. active or passive activity of people, manifested in the outside world. To characterize this behavior, the law uses the term "act".

The purpose of the work: the study of the concept and essence of the crime, the disclosure of its qualitative characteristics.

Objectives: to consider the history of the legislative consolidation of the concept of crime; to analyze the concept of crime; identify signs of a crime; based on the norms of the current criminal law, provide a classification of crimes; to analyze the features of such a category as a single crime, as well as its individual types; define the concept of criminal misconduct and its place in the system of existing criminal law; to distinguish crime from other offenses; formulate recommendations for improving criminal law and the interpretation of its provisions.

Theoretical and practical significance of the research: consists in the development of theoretical provisions on such an important category of criminal law as a crime. The research materials can be used in the educational process when teaching the discipline "Criminal Law", in law enforcement when interpreting criminal law concepts during the investigation of specific criminal cases when developing guidance on the application of criminal law, as well as in the legislative process when improving legislation.

Results of the study:

1. The definition of a crime contained in the Criminal Code of the Russian Federation is formal-material in terms of the method of construction, since it contains an indication not only of a formal (normative) sign - the prohibition of an act by criminal law, but also of a material sign (public danger of the act) that reveals the social nature of the crime. In addition to these two signs, the Criminal Code of the Russian Federation includes two more signs in the legislative definition of a crime, which were distinguished in the theory of criminal law, but were absent in the legal definition of a crime: guilt and punishment.

2. Based on the legal definition formulated in the Criminal Code, it is possible to isolate the signs that characterize the concept of crime.

- a crime is an act,
- the public danger of crime,
- guilty
- criminal wrongfulness (forbiddenness),
- punishability.

3. The general basis for the categorization of crimes is the nature and degree of public danger of acts, which are specified by the form of guilt and the amount of punishment in the form of a maximum term of imprisonment.

Article 15 of the Criminal Code of the Russian Federation divides all crimes into four categories:

- 1) of minor gravity (intentional and reckless crimes with a maximum sentence not exceeding 3 years of imprisonment);
- 2) moderate severity (intentional crimes with a maximum punishment not exceeding 5 years of imprisonment, and reckless with a maximum punishment exceeding 3 years of imprisonment);
- 3) serious (intentional crimes with a maximum punishment not exceeding 10 years of imprisonment);
- 4) especially serious (intentional crimes with a punishment of more than 10 years in prison or more severe).

4. The distinction between crimes and criminal offenses is based on: the object, the degree of harmfulness and the type of wrongfulness.

Recommendations

- Given the course towards the humanization of punitive policies, in particular in the field of combating reckless crime, it seems appropriate to reduce the maximum sanctions of the articles of the Special Part for reckless crimes to 5 years.

- We consider it appropriate to introduce amendments to the Criminal Code of the Russian Federation at the legislative level and supplement it with Art. 18-1 "Single crime", having stated it in the following edition:

Art. 18-1 "One crime"

1. A single crime is a socially dangerous act provided for by one criminal law norm.
2. Continuous crimes are crimes committed continuously for a certain time.
3. Continued crimes are crimes consisting of a number of identical criminal actions directed towards a common goal and constituting a single crime.

- A criminal offense can be defined as a special type of criminal offense, which differs from both administrative offenses and the crimes themselves. The proposal to introduce this category into the legislation of the Russian Federation successfully fits into the framework of the necessary reform of the criminal and administrative-tort law, which pursues the goal of humanizing the criminal law, imposing a fair punishment for the committed unlawful act and taking care of the prisoner's life in prison.

- In this regard, it is proposed to provide a new type of exemption from criminal liability for committing a criminal offense - this is the application of other measures of a criminal law nature, which may mean, for example, a combination of judicial fine and community service, or a combination of other types of punishments not related to isolation of the convict from society. However, to apply this type of exemption from criminal liability, it also seems appropriate to establish the following conditions: the crime must be committed for the first time and be

categorized as minor or moderate; damage or harm caused by the crime must be compensated or otherwise compensated.