

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::"Responsibility of accomplices under the law of the Russian Federation ".

Author: Kanametova Madina Sultanovna, 4th year student Institute of distance learning, information technology and online projects (Criminal law profile) - 341-16.

Scientific supervisor: kand.yus. sciences, associate professor, head of the Department of Criminal Law Disciplines and Forensic Expertise Yury Nikolayevich Shapovalov.

The relevance of the research topic.The intensive growth of crime in Russia in recent years, and its qualitative changes, which consist in the self-organization and structuring of criminal elements, have made it one of the main factors posing a threat to the country's national security. Organized crime is characterized at the present stage by the global consolidation of criminal associations with a tendency of transnational activity, and is, in fact, an extreme expression of such phenomena preceding it as the commission of crimes in various forms of complicity. The current state of crime is characterized by an increase and increase in the degree of social danger of group and especially organized crime. The real threats that it poses to the national security of the country require discussion and solving the problem of building a scientifically based, internally agreed system of norms for the institution of complicity in crime and the responsibility of partners. The approach to addressing the issues of responsibility of partners must meet the urgent needs of society to strengthen the rule of law and the fight against crime, and to strengthen the fight against crime. The incompleteness of the criminal law, a different assessment of the social danger of the same type of processes, ignoring a number of dangerous types of criminal activity significantly reduce the effectiveness of the fight against group crime, one of its most dangerous types. It should be noted that at present there is a steady trend of a high level of group crime, not only in Russia, but throughout the world. Judicial practice shows that a significant number of crimes are committed in complicity, and the most serious and dangerous ones. At the same time, the analysis of judicial investigative practice shows that a number of issues of law enforcement cause certain difficulties. There are many problems associated with the qualification of the criminal actions of accomplices, the determination of their role in the commission of the crime, the appointment of punishment. It is especially necessary to pay attention to the fact that, regulating the role of each of the partners, the law does not fully comply with the principles of differentiation and individualization of responsibility of each of the partners. This issue is given little attention in the theory of criminal law. Therefore, in order to achieve the goals of punishment and the imposition of fair punishment, the legal regulation of the institution of complicity and responsibility of partners, as well as law enforcement practice, need to be substantially adjusted.

The purpose of the work:identification of ways to improve the criminal law on the liability of persons who committed a crime of complicity, the development of proposals to improve the effectiveness of combating group crime.

Objectives: o study and summarize the theoretical foundations of the criminal law regulation of the institution of liability of partners; to generalize investigative and judicial practice on the

criminal liability of accomplices in a crime; to identify gaps in the current criminal law in this area; to develop scientific and practical proposals for overcoming the existing gaps and recommendations for further improving law enforcement practice in cases of crimes committed in complicity.

Theoretical and practical significance of the research: consists in formulating proposals and recommendations that can be used to improve the criminal law, as well as in the process of law enforcement in qualifying group crimes. In addition, research materials can be used in the educational process when teaching the disciplines of the criminal law cycle.

Results of the study:

1. The norms of complicity are concentrated in Chapter 7 of the Criminal Code of the Russian Federation (Articles 32-36). Article 32 gives a scientific and practical definition of the very concept of complicity: "The intentional joint participation of two or more persons in the commission of an intentional crime is recognized as complicity in a crime."

2. Under Russian criminal law, the liability of partners is considered independent and strictly individual. The accomplice is responsible for his own deed. His responsibility is not unconditionally dependent on the responsibility of the performer, since aiding or abetting in itself contains elements of a crime. In h. 5 Article. 34 of the Criminal Code of the Russian Federation, a provision has been enshrined that in the event that the performer does not complete the crime due to circumstances beyond his control, the remaining accomplices are criminally liable for preparing for the crime or attempting it.

3. The basis for the criminal liability of an accomplice in a crime, as in the cases of individually committed crimes, is the socially dangerous act guilty of (intentionally) committed by him, provided for by criminal law, that is, the presence in the accomplice of each accomplice of the signs of the offense specified in the law.

Recommendations

- It is proposed to supplement Art. 67 of the Criminal Code "sentencing for a crime committed in complicity" part three of the following content:

"When committing a crime as part of a group of persons, the punishment may not be lower than one third of the maximum term of the most severe type of punishment provided for the commission of the crime; when committing a crime by a group of persons by prior conspiracy - at least half, when committing a crime by an organized group - at least two-thirds, and when committing a crime by a criminal community (criminal organization) - at least three-quarters of the maximum term of the most severe type of punishment provided for committing a crime ".

- In order to individualize the punishment from the above rule, it is permissible to make separate exceptions, in connection with which art. 67 of the Criminal Code of the Russian Federation is also proposed to be supplemented with part four of the following content: "Persons who have committed a crime in their minor age, as well as in the presence of exceptional circumstances provided for by Art. 64 of this Code, for committing a crime by a group of persons, a group of persons by prior conspiracy, an organized group and a criminal community (criminal organization), a punishment may be imposed without taking into account the rules provided for in part three of this article. "

- To differentiate punishment depending on the type of accomplice, the provision on the appropriateness of supplementing Art. 67 of the Criminal Code of the Russian Federation "Sentencing for a crime committed in complicity", part five as follows:

"When imposing a punishment on the organizer or performer of a crime, for a crime committed in complicity, the term or amount of punishment shall not be less than a quarter higher than the most severe punishment assigned to other participants in the crime, but within the framework of the sanction of the article of the Special Part of this Code.

When imposing a sentence on an accomplice or instigator, the term or amount of punishment shall not exceed three quarters of the maximum term of the most severe punishment provided for by the sanction of the article of the Special Part of this Code.