

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: "Acquisition or sale of property obtained knowingly by criminal means (article 175 of the criminal code of the Russian Federation): current issues of qualification".

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The relevance of the research topic. Currently, the system of market relations is particularly free, which is why law enforcement agencies are actively fighting economic crime. At the same time, material goods that belong to someone on property rights have become the most popular and desirable, and it is these rights that account for the largest number of crimes.

According to the statistical reports of the Ministry of internal Affairs of Russia, more than 2000 thousand crimes were registered in 2019. Compared to the same period in 2018, economic crime decreased by 4% 1. However, more than 50% of crimes are still theft, fraud, robbery and robbery. In turn, crimes classified under article 175 of the criminal code of the Russian Federation were recorded in 946 cases.²

The acquisition or sale of property that is knowingly acquired by criminal means is considered an integral part of public relations in which criminal encroachments on property rights are committed. Thus, the Commission of this criminal act is recognized as one of the factors that force the activity of criminals in the field of encroachments on other people's property.

According to the data of the Judicial Department of the Supreme Court of the Russian Federation (hereinafter-the SD under the RF Supreme court), 437 persons accused of committing a crime under article 175 of the RF criminal code were convicted in the first half of 2019.

Note that the structure of the crime provided by the article 175 of the criminal code, is a subjective signs which are of great importance, since, in the presence and proof of all objective evidence of the crime, the lack of evidence of awareness of the subject about the illegal origin of acquired or sold assets excludes the possibility of criminal prosecution. This fact is due to the fact that the acquisition or sale of property knowingly acquired by criminal means is similar in appearance to legal types of civil transactions.

At the same time, it should be noted that the structure of the crime under article 175 of the criminal code is particularly similar to some other structures, which indicates the need for a detailed study of its qualifying features.

The degree of scientific development of the topic. In different years, many scientists have devoted their works to the study of the problems of touching a crime, including those provided for the purchase or sale of property that was deliberately obtained by criminal means that was not promised in advance. For example, Anashkin G. Z., Afinogenov S. V., Burchak F. G., Bushuev I. A., Volzhenkin B. V., Vladimirov V. A., Grabovskaya N. P., Krieger G. A., Lavrov V. V., Iopashenko N. A., Pogrebnyak I. G., Naumov A.V., Nikulina V. A., Tagantsev N. S., Pushkin A.V., Smirnov V. G., Khabibullin M. H., Shebunov A. A., etc.

The purpose of this work is a comprehensive study of the crime under article 175 of the criminal code of the Russian Federation, analysis of its features and qualification.

To achieve this goal, the following tasks were set and solved:

- mandatory objectively subjective signs of a crime under article 175 of the criminal code of the Russian Federation were considered;
- analyzed the features of the qualification of crimes under article 175 of the criminal code of the Russian Federation, taking into account aggravating and particularly aggravating circumstances;
- the characteristic related offences (article 174 and article 174.1 of the criminal code), having the same external signs with the acts under article 175 of the criminal code;
- judicial and investigative practice of law enforcement of acts under article 175 of the criminal code of the Russian Federation is investigated;
- clarified the most pressing problems that arise when qualifying acts under article 175 of the criminal code of the Russian Federation;
- author's proposals were made to improve the effectiveness of the fight against these types of crimes.

Object and subject of research. The object is the actual problems of qualification of crimes under article 175 of the criminal code of the Russian Federation. Subject-criminal law norms that provide for the concept, types and signs of crimes under article 175 of the criminal code of the Russian Federation, theoretical research and law enforcement practice on these types of acts.

The theoretical and methodological foundations of the research are represented by a set of scientifically based General scientific and private scientific research methods, including such methods as dialectical, comparative legal, analysis, synthesis, etc.

The empirical basis of the research includes the Constitution of the Russian Federation, the criminal code of the Russian Federation, and other normative legal acts regulating measures and means of combating crimes related to the acquisition or sale of property that was knowingly obtained by criminal means.

Theoretical and practical significance of the research. Its theoretical significance lies in the fact that its results can be used in further research related to the qualification of the type of crime under consideration. The practical significance lies in the fact that this work can be used both in the practical activities of law enforcement agencies and in the educational process when studying the course "Criminal law: General and special parts", "Criminology", "Criminal Executive law".

The structure of the study is determined by the goals and objectives and consists of an introduction, two chapters combining 6 paragraphs, a conclusion and a bibliographic list.