

## Summary

**The year:** 2020.

**Specialty / field of study (code and full name):** 40.02.01-Legal organization of social security

**Level of education:** secondary vocational education.

**Institute or Higher school:** Law University.

**Department** of criminal law disciplines and forensic expertise

**Topic of the final qualifying work:** "Responsibility for illegal receipt of social payments under the legislation of the Russian Federation"

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**Relevance of the research topic:** Criminal liability under the article for committing fraud when receiving payments has revealed a number of problems that complicate its application. This is due to shortcomings in the legal technique used in the construction of this standard. These problems indicate that the fraud in question is fairly common, and of all the special types of fraud, payment fraud is the second most common. And in some regions, payment fraud is the most common crime among special types of fraud. Under these circumstances, the relevance of an in-depth scientific study of this topic is obvious.

**Purpose of the work:** the purpose of the work is to analyze the Russian legislation providing for liability for illegal receipt of social payments in order to identify problems of legal regulation of relevant public relations and determine ways to solve them.

**Tasks:** study of the norms establishing criminal liability for fraud in receiving payments; definition of social payments made in violation of the provisions of the law; definition of concepts and types of legal liability for illegal receipt of social payments; study of civil and administrative liability for illegal receipt of social payments; study of criminal liability for illegal receipt of social payments.

**Theoretical and practical significance of the research:** the Obtained during research results, the findings will expand the knowledge of the Constitution of the Russian Federation, Criminal code of the Russian Federation, Civil code of the Russian Federation, normative legal acts in the field of social security; works of specialists in the field of criminal, constitutional, civil law, social security law, criminology, Economics, sociology, philosophy, as well as a set of methods of scientific knowledge, including dialectical method, methods of analysis and synthesis, system-structural, formal-legal and other methods. There is a need to protect social relations in the field of social security using criminal law methods, since social security currently plays one of the most important roles in ensuring the stability of society. Social security is the main and often the only means of solving such pressing problems as fighting poverty, reducing the population, providing timely medical care, and many others.

Since the encroachment on this object is carried out mainly through the theft of money and other property that should have been transferred to the needy, the protection of the object should be carried out by means of a special provision in the law establishing responsibility for theft in the social sphere. And since the greatest damage is caused by the theft of such funds and property fraudulently, it seems quite reasonable to define a special rule for the settlement of fraud.

### Research result

In the Criminal code of the Russian Federation from January 1, 2013 in article 159.2 fraud in receiving payments is singled out as an independent special crime. Illegal acquisition of monetary payments should entail greater responsibility, due to the fact that it is the subject of fraud. All payments relate to municipal budgets and budgets of the subjects of the Russian Federation. Social payments presented on balance sheets of different levels are state and municipal property, and so far the distribution of these payments among recipients is the

"Unallocated" property of the relevant subjects of public law. Thus, the concept of "social payments" combines an ideological component that shows the government's involvement in providing assistance to those in need, and a technical and legal component that defines the basis and procedures for distributing these funds to those in need. It is also possible to consider at the legislative level the question of replacing the title of article 159.2. the criminal code of the Russian Federation the word "payments" with the words "social assistance".

In accordance with the Constitution, the Russian Federation is a social state that guarantees and provides everyone with social security based on age, in case of illness, disability, loss of a breadwinner, for raising children, and in other cases established by law.

However, there are often cases when citizens, using various tricks, try to get payments from the state in the absence of legal grounds.

With the increase in the number of social payments, the number of crimes related to their illegal receipt has also increased.

Therefore, at the end of 2012, the criminal code of the Russian Federation was supplemented with a new article 159.2, which provides for criminal liability for fraud in receiving payments.

Fraud in receiving payments is the theft of funds or other property when receiving benefits, compensations, subsidies and other social payments established by laws and other regulatory legal acts, by submitting deliberately false and (or) unreliable information, as well as by omitting the facts that lead to the termination of these payments.

The subject of criminal encroachment is money or other property that has consumer properties.

For example, it can be technical means of rehabilitation of disabled people, prosthetics, vouchers for Spa treatment, etc., provided to them free of charge at the expense of the Federal budget and extra-budgetary funds.

This type of fraud also includes illegal receipt of monthly child care benefits, maternity (family) capital, unemployment benefits, subsidies for housing and utilities, and other social benefits established by laws and other regulatory legal acts.

Thus, the qualification of the crime under article 159.2 of the criminal code of the Russian Federation is possible only if the relations regarding the payment are regulated by the rules of social security law, and the final sources of its payment are the state, municipal budget or funds of extra-budgetary funds.

### **Recommendations**

Fraud for the purpose of obtaining an old-age labour pension, disability or loss of a breadwinner, a social pension for disabled citizens, or a pension paid to state employees (civil servants, military personnel, employees of internal Affairs bodies, etc.) in the order of state pension provision is also qualified under article 159.2 OF THE CRIMINAL CODE. Fraud in receiving payments is considered to be over from the moment they are received.

For committing this type of fraud, the penalty is a fine of up to 120 thousand rubles or in the amount of wages or other income of the convicted person for a period of up to one year, or mandatory work for up to 360 hours, or correctional labor for up to one year, or restriction of freedom for up to two years, or forced labor for up to two years, or in the form of arrest for up to four months.

If the crime is committed by group of persons by prior conspiracy, guilty faces a fine of up to 300 thousand rubles or the salary or other income condemned for the period till two years or obligatory works for the term up to 480 hours, or correctional labor for a term not exceeding two years, or compulsory works for a term up to five years with restriction of liberty for a term up to one year or without such, or deprivation of liberty for a term up to four years with restriction of liberty for a term up to one year or without such.

If a person commits fraud while receiving payments using their official position, as well as an organized group on a particularly large scale, the criminal law provides for the imposition of a more severe penalty, up to 10 years of imprisonment with a fine of up to one million rubles.