

## 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::** " The criminal law profile of skilled murders " .

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**The relevance of the research topic.** According to the Constitution of the Russian Federation everyone has the right for life (Part 1 of Article 20). And this right is inalienable and belongs to the person from the birth regardless of its personal characteristics. Deliberate deprivation of other person by one person of life in peace time is the crime which does not have moral justification under no circumstances except necessary defense. Protection of life of citizens against criminal infringement of it - the most important duty of the democratic constitutional state, its judicial and law enforcement agencies. However, despite all efforts, the mankind did not learn to warn and stop murders so effectively yet completely to exclude them from public life. In our country the number of annually committed murders is estimated in tens of thousands. Therefore this type of crime is in the center of indefatigable attention of the practicing lawyers participating in disclosure and investigation of murders, judicial review of criminal cases about them and also scientists, in particular the experts in the field of criminal law investigating problems of qualification of deliberate deprivation of human life. Only the correct qualification when crime received assessment according to exact sense criminally - precept of law and the established actual circumstances of its commission is important for implementation of justice and strengthening of legality. Assessment of each circumstance of the committed crime separately and all of them in total gives the chance at qualification to consider all signs important for this purpose value. Observance of this condition has to promote reduction of cases of unilateral assessment of signs of crime at its qualification. Process of qualification of murders is not limited only to comparison of signs of norm and concrete act. In some cases it is necessary to operate with estimated concepts which, having relatively definiteness, at the same time are the obligatory qualifying signs. Relative definiteness of such, for example, signs as "special cruelty", "the all-dangerous way", forces to allocate degree of expressiveness of sign at qualification. Depending on it the decision assuming or excluding the qualification stated above is made.

**The purpose of the work:** the criminal analysis of the crimes provided by Part 2 of Article 105 of the Criminal Code of the Russian Federation, development of recommendations about qualification of these socially dangerous acts.

**Objectives:** to reflect a general characteristic and value of the qualifying signs of murder provided by Part 2 of Article 105 of the Criminal Code of the Russian Federation; to present classification of these qualifying signs; to consider the qualifying signs of murder characterizing it subjective properties and the identity of the guilty person; to analyse the qualifying signs of murder characterizing it objective properties; to formulate the recommendations about improvement of the criminal legislation and practice of its application.

**Theoretical and practical significance of the research:**

the possibility of taking into account the conclusions, proposals and recommendations made in the work when improving the criminal law and the practice of its application. The research materials can serve as the basis for the further development of the criminal law theory on the establishment and application of criminal law prohibitions on the commission of the studied crimes.

### **Results of the study:**

1. The objective party of murder consists in deprivation of life of other person. Establishment of a way of action as sign of the objective party of murder has serious value for its qualification. At commission of some murders the way is the qualifying circumstance. Establishment of special cruelty at murder or commission by its way, life-threatening many people, attracts qualification respectively according to the subparagraph of "" and "д" Article 105 of the Criminal Code of the Russian Federation and excludes application of other article of the Criminal Code of the Russian Federation.

2. The purpose "use of bodies or the victim tissues" should be interpreted broadly, i.e. not only for transplantation, but also for cannibalism, "ritual" murder, etc. At the same time actions of the guilty person cannot be qualified at the same time according to the item "m" and the Paragraph "z" of Part 2 of Article 105 of the Criminal Code of the Russian Federation as the mercenary motive is absorbed by the nature of use in any purposes.

3. Some features of qualification of the considered types of murder are revealed:

- murder with the purpose to hide other crime or to facilitate its commission excludes a possibility of qualification of this murder on any other paragraphs of Part 2 of Article 105 of the Criminal Code of the Russian Federation in which as the qualifying circumstances other motives and the purposes are specified (the item "to" and the items "z", "i", "l", "m", "e1" Part 2 of Article 105 of the Criminal Code of the Russian Federation);

- the combination among themselves of the signs provided by the items "e1", "z", "i", "m" of Part 2 of Article 105 of the Criminal Code of the Russian Federation is impossible at qualification of one (single) murder since the main has to be established spendthrifts as dominating;

- qualification of murder according to the Paragraph "l" of Part 2 of Article 105 of the Criminal Code of the Russian Federation and other qualifying signs characterizing the subjective party of crime is possible.

### **Recommendations**

- in relation to the signs provided in the items "z" and "k" of Part 2 of Article 105 of the Criminal Code of the Russian Federation it is possible to speak about mixture of the responsibility of the guilty person aggravated by subjective criterion with objective signs of other corpus delicti. For an exception of it it is obviously possible to exclude associativity to other crimes from these points that will allow to qualify the considered types of murder by rules about cumulative offenses and also will give the chance to bring the persons who committed these crimes with indirect intent to trial;

- covering the crimes committed based on, having one nature with motive of blood feud, the wording of the Paragraph "e1" of Article 105 of the Criminal Code of the Russian Federation indicating the premeditated murder committed because of remnants of last old life will be more successful;

- for recognition of mockery over a corpse manifestation of special cruelty it is necessary to establish that these actions were made directly and at once after causing death to the victim. In the same cases when the guilty person mocked at a corpse after deprivation of life of the victim after a while, and these actions were not continuous process of murder, they cannot be

recognized as sufficient for application of the Paragraph "d" of Article 105 of the Criminal Code of the Russian Federation and can be qualified according to Article 244 of the Criminal Code of the Russian Federation.