

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: "Stages of the crime".

Author: Navoyan Isaac Seropovich, 4 courses of Criminal law profile-311-16.

Scientific supervisor: candidate yus. sciences, associate Professor, head of the Department of criminal law disciplines and forensic activity Yuri Shapovalov.

The relevance of the research topic: the research consists in the high importance of studying the stages of the course of crime in order to understand the relationships, causes of crimes, and determine the dynamics of crime development. It is the study of the stages that make up the illegal act that allows us to characterize its course in space and time.

Purpose: to study the stages of committing a crime.

Tasks:

- to define the concept and meaning of the stages of committing a crime;
- compare the criminal-legal consolidation of the types of stages of committing a crime in the historical and modern periods;
- to study the stage of preparation to commit a crime;
- to define the concept and types of attempt to commit a crime;
- analyze the problems of determining the end of the crime.

Theoretical and practical significance of the research results These characteristics have legal significance and are used in the qualification of a crime and determining the responsibility of the guilty person in an individual specific situation. The stages of the crime allow you to determine the purpose of the crime and determine whether the act is a completed crime or not. The measure of responsibility of the guilty person and the fairness of the sentence imposed depend on the correct assessment of the stages of the illegal act. That is why this issue should be given special attention.

Research result.

The stage of Commission of a crime is considered to be a certain stage or period of the course of the crime, starting with the preparation for its Commission and ending with it. The stages of committing a crime demonstrate the stages of development of socially dangerous acts, the division of which is based on the boundaries that exist between them. In other words, the main feature that makes it possible to distinguish the stages from each other is the objective signs of the crime, in particular the nature of the actions performed and the moment when the criminal activity stopped.

The institution of the stage of committing a crime has passed a long period of development. The first mention of individual stages of the crime is contained in Russian Pravda, but this opinion is not supported by some scientists. They believe that since the concept of "stage of crime" did not exist yet, it is impossible to talk about their existence within the framework of Russian Truth.

More complete characteristics of some stages were established by the Cathedral code of 1949. Nevertheless, a clear division of crimes into completed and unfinished appeared only in the military Article of 1715, but it did not separate the preparation and attempted crime separately. The three stages of premeditated crime-intent, attempt, and completed crime were further developed in the Code of laws of the Russian Empire of 1832.

The institution of stages of crime was improved until the October revolution and the establishment of Soviet power. The stages of the crime were fixed in the Guidelines on criminal law of 1919. More detailed definitions and further development of the stage of committing a crime were obtained with each new edition of the Criminal code of the RSFSR.

Currently, the current version of the Criminal code establishes the following types of stages of committing a crime: preparation for a crime, attempted crime and completed crime. Each subsequent stage has a greater social danger than the previous one.

Preparation to commit a crime is the finding, production or the adaptation the person of means or instrumentalities of committing a crime, the finding of accomplices, collusion to commit a crime or other deliberate creation of conditions to commit a crime, if the crime was not brought to an end through no fault of that person's circumstances.

As a General rule, criminal prosecution is possible only when preparing for a serious or particularly serious crime.

Attempt to commit a crime - deliberate actions (inaction) aimed directly at the Commission of a crime, if the crime was not completed due to circumstances beyond the control of the person. An attempt to commit a crime is subject to criminal liability in all cases.

In our opinion, when qualifying, it is necessary to clearly understand the signs by which you can distinguish cooking from an attempt. In particular, an attempt consists in performing actions that are directly aimed at committing a crime and pose a danger to the object, and preparing a direct threat to the object does not carry.

Moreover, it is of great practical importance to separate the attempt from the voluntary renunciation of the crime. The main feature that makes it possible to distinguish between these concepts is the termination of criminal acts. If this happened regardless of the person's will, then we are talking about an attempt, but if the person voluntarily refused to continue criminal actions, then this is a voluntary refusal to commit a crime.

A crime is considered completed if the act committed by a person contains all the signs of any crime under the Criminal code of the Russian Federation.

This wording, in our opinion, is not exhaustive and sufficient, and also does not reflect any signs of the subjective side of the act. Moreover, the current wording also creates a lot of controversy regarding the time of the end of the crime.

In the theory of criminal law, there are also such concepts as "the moment of the end of the crime" and "the moment of the end of the act". The moment of the end of the crime is recognized as the establishment of all signs of the crime in the actions (omissions) committed. The moment of the end of the act is considered to be the actual termination of socially dangerous encroachments.

Another significant part of the question of the stages of the crime is the voluntary renunciation of the crime.

Voluntary renunciation of a crime is the termination of a person's preparation for a crime or the termination of actions (inaction) directly aimed at committing a crime, if the person was aware of the possibility of bringing the crime to an end. Signs of voluntary renunciation of the crime are voluntary, finality and incompleteness.

Recommendations:

According to the results of the study, it can be concluded that despite the long process of development, the institution of stages of committing a crime needs to be finalized.

It is necessary to identify clear criteria that distinguish the stages from each other and from the institution of voluntary refusal of a crime; to fix on the legislative level concept "stage of the

crime"; to amend the current wording of the concept of "completed crime" that will clearly specify the time of the crime.