

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:: "Causing death by negligence: qualification and responsibility issues".

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The relevance of the research topic. Socially dangerous acts connected with negligent homicide represent rather serious problem in the conditions of rapid development of scientific and technical progress. Increase in their quantity is caused including implementation of new technologies and sources of the increased danger in the most various spheres of activity of the person that, in turn, causes possibility of various mistakes which can lead to socially dangerous consequences in the form of causing death not only to one, but also several persons. In this regard, at adoption of the Criminal Code of the Russian Federation of 1996 the legislator criminalized rather big block of the special cases connected with causing by negligence of death to other person. According to the existing criminal legislation careless deprivation of life of other person is considered, on the one hand, as independent crime against the personality, and with another, acts as the qualifying sign of other deliberate and careless crimes provided by the Criminal code. At the same time in the theory of criminal law still there are not enough researches devoted to institute of negligent homicide. The contents only of separate standard instructions of the Special part connected with criminalization of negligent homicide mainly were exposed to the deep and comprehensive analysis.

The purpose of the work: development of conceptual bases of institute of criminal liability for negligent homicide and search of scientific prerequisites for increase in efficiency of its application in judicial practice.

Objectives:

to analyze the main stages of the establishment and development of the institution of responsibility for causing death by negligence in the history of domestic criminal legislation; determine the status of this institution in modern criminal legislation of Russia, its concept and structure; to give a criminal legal characteristic to the signs that play a constructive role in the formation of this institution and identify the problems of their establishment in practice; formulate specific recommendations for further improvement of the legislative description of the named institution and increase the effectiveness of its application in practice.

Theoretical and practical significance of the research:

it is aimed at resolving problems associated with the application of the institution of criminal liability for causing death by negligence. The conclusions and recommendations set forth in the work can be used in the course of further improvement of the Criminal Code of the Russian Federation, in preparing explanations of the Plenum of the Supreme Court of the Russian Federation, in law enforcement and research activities, as well as in the educational process in teaching criminal law disciplines.

Results of the study:

1. Development of standard instructions about criminal liability for negligent homicide in the history of the Russian criminal legislation had, mainly, evolutionary character. Within this process it is possible to allocate four stages: 1) emergence of this institute within not codified criminal legislation of Russia (X - the first half of the 18th century); 2) formation of this institute within the codified criminal legislation of pre-revolutionary Russia (1832 - 1903); 3) its development in the system of the codified criminal legislation of Russia of the Soviet period (1917-1960); 4) further improvement of the called institute in the system of the modern codified criminal legislation of Russia (1996 - till present). During this process the casuistic description of these acts in the law was gradually transformed to abstract ways of designing of the corresponding criminal instructions. Also approach of the legislator to understanding and interpretation as concept of imprudence, and assessment of character and degree of public danger of the careless crimes connected with causing death to the person changed.

2. Negligent homicide can be defined as deliberate or careless acts and also action (inaction) in itself, not being penal at which commission by negligence death is directly or indirectly caused to other person or persons.

3. The system of the crimes connected with negligent homicide represents set intentionally or by negligence of perfect acts and also actions in itself, not being punishable, capable by negligence to cause both directly, and indirectly death to the person (faces).

The structure of the studied institute is formed by the general instructions regulating questions of careless and double forms of fault (Articles 26, 27 and 109 of the Criminal Code of the Russian Federation), and special instructions - articles of the Special part of the Criminal Code of the Russian Federation fixing specific cases of causing death to the person by negligence.

Recommendations

- it seems appropriate to supplement the current edition of Art. 218, 351 and 352 of the Criminal Code of the Russian Federation with qualified features of the following content: "2. the same act which, through negligence, entailed the death of two or more persons."

- based on the undeniable probability of causing death by negligence, not only one person, but also several people, the editions of Articles 127.1, 127.2, 167, 168, 205, 206, 211, 215.1, 215.2, 215.3, 218, 227, 230, should also be supplemented 247, 248, 250, 251, 254 of the Criminal Code of the Russian Federation with a particularly qualifying attribute - "entailing by negligence the death of two or more persons".