

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: "Concepts and types of crimes in the field of economic activity under Russian law".

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The relevance of the research topic. The modern criminal law of Russia is focused on ensuring the security of the individual, its rights and freedoms, among which the right of ownership occupies an important place. In the 21st century, the greatest acuteness is the threat of criminalization of social relations taking shape precisely in economic activity. There is a danger of the penetration of criminal elements into power, organized forms of criminal activity and corruption are developing. One of the factors contributing to the criminalization of the economy is the imperfection of the legislative framework.

New economic conditions, the market emerging in the new socio-political environment, require well-considered control measures. Ensuring security in economic activity, stimulating fair business is a guarantee of the future economic stability of society, and, consequently, its political life and the spiritual sphere.

Criminal law norms on responsibility for crimes in the field of economic activity are called upon to ensure the implementation of the state economic policy. That is why in the Criminal Code of 1996 there is a system of norms aimed at protecting the rights and interests of economic entities. But, unfortunately, a certain part of them does not work or is only partially applied. And one of the reasons for this situation is the imperfection of a number of provisions of the criminal law. At the same time, this does not mean the need for a total change in criminal law. Most of the economic crimes provided for in the Criminal Code of the Russian Federation correspond to the level of development of the economy of the modern period, similar to the provisions of foreign law and international legal standards. The problem, as it seems to us, is that the law enforcer does not have sufficient experience in implementing new criminal law norms, there are no clear, scientifically substantiated recommendations for their application.

It should also be noted that there was a radical change in the economic policy of Russia. It is enshrined in many regulatory legal acts, including the Criminal Code of the Russian Federation. But such acts cannot immediately change people's minds. What was previously banned under penalty of punishment is currently being encouraged, and in some cases it has been recognized as crime that the public consciousness has not yet developed a sharply negative attitude. The lack of legal regulation of economic relations, as well as the lack of necessary experience in applying criminal law on liability for economic crimes are used by criminal elements for their own purposes.

The purpose of the work: on the basis of the analysis of legal norms, theoretical provisions and the practice of applying legislation in the field of counteracting economic crimes, formulate proposals and recommendations to ensure increased effectiveness in countering the types of crimes under consideration.

Objectives: to analyze the concept, types and signs of crimes for which responsibility is provided for in chapter 22 “Crimes in the field of economic activity” (Articles 169-200.6 of the Criminal Code of the Russian Federation); identify the main, characteristic for most of the crimes under consideration objective-subjective signs; to classify the types of crimes in the field of economic activity depending on the immediate (primary and secondary) objects; taking into account the immediate object, conduct a legal analysis of crimes in the field of economic activity; to offer an author’s assessment of the effectiveness of the enforcement of the crime system in the field of economic activity, based on the results of research by scientists, analysis of theoretical material and judicial investigative practice.

Theoretical and practical significance of the research:

The results, conclusions and provisions obtained in the course of the study expand knowledge regarding the need to develop the theoretical foundations of criminal law on the types and signs of crimes in the field of economic activity. The conclusions drawn can serve as directions for solving problems related to the qualification of crimes in the field of economic activity; provide a basis for further research in the field of economic crime; and can also be used in law enforcement of investigative and judicial bodies, in improving criminal law and in teaching academic disciplines of criminal law.

Results of the study:

In the process of the study, the author investigated the norms associated with the types and signs of crimes in the field of economic activity. The essence of crimes in the field of economic activity is expressed in the conflict of economic interests of various economic entities, characterized by variability. This circumstance does not allow, despite numerous studies, to consider this type of crime fully studied.

1. An essential feature of criminal law on crimes in the field of economic activity is their inextricable connection with the economic policy of the state. Changes in economic policy determine the criminalization and decriminalization of certain acts.
2. The development of criminal legislation on crimes in the field of economic activity, both in Russian and in foreign legislation, is associated with changes in socio-political and socio-economic conditions, as well as features of national legislation: the presence in the legislation of developed countries of a comprehensive system of economic (economic) crimes (70-90s of the XX century); adoption of special laws in many countries on combating economic crime, laundering of criminal proceeds, protecting consumer rights, protecting commercial and banking secrets, and tax violations.
3. Towards the end of the 20th century many countries have come up with a fairly stable system of legislation on economic crimes. This makes it easier for them to solve problems associated with the emergence in the economic sphere of new socially dangerous phenomena - corruption and organized crime.
4. Features of the development of Russian criminal legislation on crimes in the field of economic activity are connected with the fact that for almost seventy years the country's economy has developed in a planned rather than a market economy and ensured the achievement of the tasks of command and administrative regulation of economic relations.

Recommendations

The uniqueness of the development of the Russian legal system is manifested in the fact that it takes into account not only international legal experience, but also its own historical legal baggage of both the Soviet and pre-Soviet periods and refracts the provisions of the law through the prism of economic relations.

The concept of improving criminal law in the field of economic relations should have long-term and short-term prospects, while the timing of its implementation must be directly linked to the development of economic relations.

The emerging economic situation and law enforcement activities carried out in the modern period indicate the need for an integrated approach to the study of socially dangerous acts in the field of economic activity. For this, it is necessary to develop a unified approach to the definition of identical concepts used in different branches of law.