

Objective and Subjective of Crimes against Life

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Abstract: Justice is the most important guarantor of human and civil rights and freedoms. However, when performing such an important role, justice itself also needs to be protected, namely through criminal legal means, because in the field of procedural relations, acts that are an insurmountable obstacle in solving the tasks of judicial proceedings, infringing on the legitimate interests of participants in the process, complicating the exercise of their functions, violating legal provisions have not been eliminated.

Keywords: the composition of the crime, the object of the crime, the subject of the crime, public relations, administration of justice, legalization of funds and property.

Introduction

In a state governed by the rule of law, at the constitutional level, justice is the most important guarantor of human and civil rights and freedoms [12]. However, when performing such an important role, justice itself also needs to be protected, including through criminal legal means, since in the field of procedural relations, acts that are an insurmountable obstacle in solving the tasks of judicial proceedings, significantly infringing on the legitimate interests of participants in the process, complicating the exercise of their functions, violating fundamental legal provisions have not been eliminated.

The share of officially registered crimes of encroachment against justice in the total number of crimes known to the competent authorities is on average no more than one percent [17]. However, interest in their study should not be lost from this. Firstly, the degree of latency of crimes against justice is very high. Secondly, their social danger is extremely high.

Considering the above, it is necessary to give a detailed description of the general signs of criminal acts, the models of which are combined in 31 chapters. The Criminal Code. Scientists have long emphasized that without determining the meaning of the object of crime for solving criminal law issues, it is impossible to know the essence of a socially dangerous encroachment [14], that criminal encroachments differ in the value of public relations violated by them [7]. Attention was also drawn to the relationship between errors in establishing the object of the crime and the incorrect qualification of the deed [24]. It is also proved that the properties of the object of encroachment make it possible to understand the content and signs of other elements of the corpus delicti [14]. At the same time, many of the specialists used the category "public relations" as the basic category for deriving the definition of the concept of the object of crime [28]. Recently, other opinions have been expressed more and more often in the press. The concepts of an object — a legal good, an object of interest are being activated [23]. It is proposed, in particular, to understand by the object of the crime "socially significant values,

interests, benefits protected by criminal law, which are encroached upon by the person who committed the crime, and to whom significant harm is caused or may be caused as a result of committing a criminal act "[18]. We stand in solidarity with those who share the traditional position [33].

Taking into account the above, it can be assumed that the unification of legislative structures of crimes against justice within the framework of one structural element of the Criminal Code was dictated mainly by the qualitative originality of the public relations violated by these encroachments.

It follows from the title of Chapter 31 of the Criminal Code of the Russian Federation that the central place among these relations belongs to the activities of the administration of justice. The protective nature of this measure can also be judged on the basis of procedural legislation. Thus, according to Part 1 of Article 6 of the Code of Criminal Procedure of the Russian Federation, "criminal proceedings have the purpose: to protect the rights and interests of persons and organizations who have suffered from crimes; to protect an individual from unlawful and unjustified accusations, convictions, restrictions on her rights and freedoms" [20].

It should not be overlooked that "the state protection of rights and freedoms has other, non-judicial, forms of implementation. However, unlike other public authorities, including law enforcement agencies, only the court has the protection of human rights and freedoms as its main task" [19].

According to the scientist I.Ya. Foynitsky, justice should be considered as an educational, law enforcement, protective activity, as well as proceeding in a special procedural form [35]. It can be considered that it is the presence of the three specific properties of justice that we have mentioned above that determines the need to allocate it as an independent object of criminal law protection. Such allocation presupposes the creation of a set of norms that would have the main purpose of protecting justice as a protective and cognitive law enforcement activity, as well as the procedural form of the latter, and consolidating the relevant regulations and prohibitions within one structural element of the Criminal Code. Chapter 31 of the Criminal Code of the Russian Federation is mainly intended to fulfill such a role. At the same time, it should be emphasized that the activities of the administration of justice are not limited to the object of encroachments provided for in this chapter.

With the help of measures of criminal repression, the legislator seeks not only to organize the protection of this type of activity, but also to create favorable conditions for such, and above all to give a certain orientation to the justice-related activities of law enforcement agencies, officials and subjects of the process. In this sense, we can agree with N.A. Noskova, who in her work notes: "Encroachment on the interests of justice is an encroachment on the normal activities of the court, the prosecutor, the bodies of inquiry and preliminary investigation in the implementation of the tasks of justice" [26]. Thus, the object of criminal law protection of Chapter 31 of the Criminal Code of the Russian Federation includes, along with public relations arising in the course of the administration of justice, such public relations that arise and are implemented in the course of the activities of other bodies and persons aimed at solving the tasks facing the judiciary.

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Thus, it should be noted that, in giving justice the importance of the main or additional object of criminal law protection, the legislator, in our opinion, failed to avoid a number of mistakes.

Thus, for most crimes against justice, the purpose and motive are not mandatory features. But if the legislator attaches such importance to optional features of the subjective side, then he fills them with special content. The specifics are as follows. Firstly, responsibility for none of the crimes provided for in Chapter 31 of the Criminal Code of the Russian Federation is made dependent on the presence of selfish or other personal interest, unlike, for example, some designs of encroachments against the interests of service in state bodies or the management procedure.

Secondly, the ideal result of the corresponding crimes against justice defined in the law is always opposite to the objectives of the latter. As for the articles mentioned in the analyzed chapter of the Code of Motives for Criminal Acts, then their features lie in the mechanism of formation, namely, in the emergence of a desire to commit a crime under the influence of procedural activity or activity significant for the execution of procedural decisions.

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