

Volgograd State Medical University
Department of Philosophy, Bioethics and Law

Lectures on Law

Lecture 8.

Criminal law.

What is Criminal law?

- **Criminal law** is considered a branch of public law.
- **Criminal law** involves prosecution by the government of a person for an act that has been classified as a **crime**.
- A "**crime**" is any act or omission (of an act) in violation of a public law forbidding or commanding it.
- **Criminal law** is distinctive for the uniquely serious potential consequences or sanctions for failure to abide by its rules.

History of Criminal law

- The first civilizations generally did not distinguish between civil law and criminal law.
- The first signs of the modern distinction between crimes and civil matters emerged during the Norman Invasion of England.

- The development of the state dispensing justice in a court clearly emerged in the eighteenth century when European countries began maintaining police services.
- From this point, criminal law had formalized the mechanisms for enforcement, which allowed for its development as a discernible entity.

The Criminal Code Of The Russian Federation

- It is the main source of criminal law in Russia.
- The Criminal Code of the Russian Federation was adopted on June 5, 1996.

The Tasks of the Criminal Code of the Russian Federation

- The tasks are as follows: the protection of the rights and freedoms of man and citizen, property, public order and public security, the environment, and the constitutional system of the Russian Federation against criminal encroachment, the maintenance of peace and security of mankind, and also the prevention of crimes.

The Principle of Legality

- The criminality of a deed, and also its punishability and other legal consequences are determined by the Criminal Code alone.
- The application of a criminal law by analogy are not allowed.

The Principle of Equality of Individuals Before the Law

- Persons who have committed crimes are equal before the Law and shall be brought to criminal responsibility, regardless of their sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, convictions, belonging to public associations, or other circumstances.

The Principle of Guilt

- A person shall be brought to criminal responsibility only for those socially dangerous actions (inaction) and socially dangerous consequences in respect of which his guilt has been established.

The Principle of Justice

- Punishment and other legal measures applicable to a person who has committed an offence shall be just, that is, they shall correspond to the character and degree of the social danger of the offence, the circumstances of its commission, and the personality of the guilty party.
- No one may bear double criminal jeopardy for one and the same crime.

The Principle of Humanism

- The criminal legal of the Russian Federation shall ensure the safety of man.
- Punishment and other legal measures applicable to a person who has committed a crime may not pursue the aim of causing physical suffering or debasement of human dignity.

The Operation of Criminal Law in Time

- The criminality and punishability of a deed shall be determined by the criminal law that was operative during the commission of this deed.
- A criminal law which removes the criminality of a deed, mitigates punishment, or in any other way improves the position of a person who has committed a crime shall have retroactive force.
- A criminal law that establishes the criminality of a deed and increases punishment or in any other way worsens the position of a person shall have no retroactive force.

The Concept of Crime

- A socially dangerous act, committed with guilt and prohibited by Criminal Code under threat of punishment, shall be deemed to be a crime.

The Age of Criminal Responsibility

- A person who, before the commission of a crime, has attained the age of 16 years shall be subject to criminal responsibility.
- Persons who, before the commission of a crime, have attained the age of 14 years shall be subject to criminal liability for some grave crimes.

Insanity

- A person who, at the time of the commission of a socially dangerous act, was insane, that is, was unable to understand the actual character or social danger of his actions (inaction) or to govern them as a result consequence of mental derangement shall not be subject to criminal responsibility.
- Compulsory medical treatment may be imposed by a court on a person who has committed a socially dangerous deed in a state of insanity.

Guilt

- A person who has committed an act deliberately or carelessly shall be deemed to be guilty of a crime.
- A crime shall be deemed to be committed with clear intent, if the person was conscious of the social danger of his actions (inaction), foresaw the possibility or the inevitability of the onset of socially dangerous consequences, and willed such consequences to ensue.

.

- A crime shall be deemed to be committed with indirect intent, if the person realized the social danger of his actions (inaction), foresaw the possibility of the onset of socially dangerous consequences, did not wish, but consciously allowed these consequences or treated them with indifference

- A crime shall be deemed to be committed thoughtlessly, if the person has foreseen the possibility of the onset of socially dangerous consequences of his actions (inaction), but expected without valid reasons that these consequences would be prevented.

- A crime shall be deemed to be committed due to negligence if the person has not foreseen the possibility of the onset of socially dangerous consequences of his actions (inaction), although he could and should have foreseen these consequences with reasoning.

The Concept and the Purposes of Punishment

- Punishment is a measure of state compulsion assigned by a court's judgement. Punishment shall be applied to a person who has been found guilty of the commission of a crime. It consists of the depreciation or restriction of the rights and freedoms of this person.
- Punishment shall be applied for the purpose of restoring social justice, and also for the purpose of reforming a convicted person and of preventing the commission of further crimes.

Penalties

- fines;
- deprivation of the right to hold specified offices or to engage in specified activities;
- deprivation of a special and military rank or honorary title, class rank and of government decorations;
- compulsory works;
- corrective labour;

- restriction in military service;
- restricted liberty;
- arrest;
- service in a disciplinary military unit;
- deprivation of liberty for a definite period;
- deprivation of liberty for life;
- capital punishment.

Deprivation of Liberty for a Definite Term

- Deprivation of freedom shall amount to the isolation of the convict from society by sending him to a settlement colony, placing him into an educational colony, into a medical treatment and reformatory institution or into a reformatory colony of general, strict or special regime, or into prison.
- Deprivation of liberty shall be established for a term of six months to 20 years.

Types of crimes

- CRIMES AGAINST THE PERSON;
- CRIMES IN THE SPHERE OF ECONOMICS;
- CRIMES AGAINST PUBLIC SECURITY AND PUBLIC ORDER;
- CRIMES AGAINST STATE POWER;
- CRIMES AGAINST MILITARY SERVICE;
- CRIMES AGAINST PEACE AND MANKIND'S SECURITY.