

## THE ESSENCE AND METHODS OF COERCION IN THE CATEGORIES OF PHYSICS (CRIMINAL-LEGAL ISSUES)

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### **Keywords**

Coercion, responsibility, guilt, responsibility without guilt, denunciation, criminal law

**The Subject.** The article is devoted to impact of coercion to the difference of legal statuses between law-obedient individuals and abusers.

**The purpose of the article** is to identify the difference between the impact of coercion on law-obedient citizens and abusers.

**Methodology.** The author uses theoretical analysis as well as legal methods including formal legal analysis and the method of social modeling.

**Results, scope of application.** It is proved that a certain difference (in the categories of physics) should exist between the legal status of law-obedient individuals and abusers there is a certain difference. Where there is no such difference, there is no place for coercion.

**Conclusions.** The author comes to the conclusion that the essence of any punishment is the deprivation of certain benefits, which means the difference between the status of a person who did not conflict with the criminal law and those who entered into such a conflict. The magnitude of the difference depends on the severity of the crime.

The system, whose elements are in equilibrium with each other, is energetically sterile.

*The second law of thermodynamics*

### **1. Introduction.**

From physics it is known that any system of workflows in the framework of the difference between the initial and final state of its elements (parts) (object), is it a question of the difference between the upper and lower tunnels of the spillway dam, between the pressures inside and outside the steam cat la, or, referring to our topic, between the status (fate) of law-abiding and law-abiding individuals. If there is no such difference, and the position of the second does not differ from the position of the first, there is no place for compulsion. In other words, you can punish only someone who can take something away.

It is proved that there must be a definite difference between the status of a law-abiding individual and a criminal (in the categories of physics). If there is no such difference, there is no room for coercion.

### **2. Liability of the causer of harm without guilt.**

This, in particular, is evidenced by the resolution of the Central Executive Committee and the Council of People's Commissars of the USSR of August 7, 1932, "On the Protection of the Property of State Enterprises, Collective Farms and Cooperatives and the Strengthening of Public (Socialist) Property", which established for all, including those who had been decided to be cannibalistic because of hunger [1, p. 11; 2, p. 77], the death penalty or the duration deprivation of liberty for theft or other theft of property. Acting in the years when "mothers killed their children to feed the rest of the family" [3, p. 108], the decision was not psychological and non-biological, for it did not establish the differences between the position of law-abiding citizens and citizens who violated the law. The individual aimed at self-preservation "was advantageous" to prefer the inevitable death from hunger to a possible punishment for theft. "When the hunger and cold," the Chinese philosopher Wang Chun wrote two thousand years ago,

"overtake people at the same time, among them there will be few who do not violate the laws" [4, p. 20-21] .

For the first time in history, an experiment was conducted with it would have been, the foregone conclusion: the inevitable (very likely) death from hunger a man could not but prefer theft or other violation of the law.

### **3. Responsibility for someone else's fault in antiquity.**

The form of the difference between the experiences of a law-abiding individual and the violator of the criminal law was his fear for the fate of his loved ones, doubling, tripling and multiplying the fear of punishment even more. According to the laws of Ch'ing China ( III at. BC. E.) together with the convicted for treason were punishable by death by three generations of his relatives - by father, mother and wife [5, p. 94]. According to ancient English laws, children and all households who knew about the theft, entered slavery [6, p. 94].

Russian true robber provided returns BME v e with his wife and children to pillage [6, p. 96], and so on.

However, a view was formed about the unacceptability of punishment for someone else's guilt. De ventre i nspiciendo - said the well-known Roman law prohibition to sentence a woman to death in order not to execute her child for her crime. The synodal code of 1649 established: "And a wife shall be about the betrayal of her husband or children about not betraying their father ... and do not punish them for that and punish them no punishment." Post-feudal criminal law did not seem to be responsible for someone else's guilt.

### **4. Responsibility for someone else's guilt in Soviet Russia.**

After the revolution of 1917 in domestic criminal Prospect Ave there was a return to responsibility for this wrong. Article 8 of the Regulations on disciplinary comrades dah 1921 provided for the violation of labor discipline correctional labor or imprisonment in a concentration camp for up to six months as the workers and employees guilty of this violation, and workers who condoned such a violation. In the literature it was not possible to find any examples of the application of this decree: people with impunity crank Screw a bolt in the production not laid five times, but only to two, painted the part two times instead of five, etc.

However, in China's Qin China, the reproach to treason was not aimed at the guilty person, unlike the workers who condoned violations of labor discipline.

Having suppressed everyone and everything, having eliminated genuine and imaginary Do cal opponents and allusions to the political opposition, the totalitarian system can not force people to work in good faith, because in complex probabilistic svya zyah, developing on any and all the more difficult to m modern production, each "appears in the situa when there is almost no risk of being caught " [7, p . 378]

There was another provision related to the criminal responsibility for failure to report on the allegedly well-prepared or committed counterrevolutionary crime (Article 58 of the Criminal Code of the RSFSR of 1926), about the prepared or the crimes referred to in Art. 59 <sup>2</sup> , 59 <sup>3</sup> and 59 <sup>7</sup> Criminal Code of the RSFSR of 1926, on the responsibility for failure to report on a well-known upcoming or perfect qua state embezzlement, socially or personal property of citizens. Strict sanctions for not the report about those should have been forced to denounce.

To him forced part 2 of Art. 58 <sup>1</sup> in the Criminal Code of the RSFSR in 1926, which provided for the deprivation of electoral rights and exile to remote regions of Siberia for five years of adult members of the family of a traitor serviceman who lived with him or were dependent on him, but who did not contribute to perfect or prepared treason and who did not even know about her, and promptly orders Commissar of internal Affairs of the USSR on August 15, 1937 by order of the wives of traitors, members of the right-Trotskyite espionage and sabotage organizations, condemned to death or to long sentence, were sent to the camp for at least 5-8

years, and their "social and danger children"- in camps or correctional labor colonies of the NKVD (articles 11, 12). Under item "b" of Art. 5 were not subject to arrest "prisoners who exposed their husbands and informed the authorities about the information that served as the basis development and arrest of husbands".

Nonpsychological and inadequate to the interests of production was Art. 6 of the Decree of the Presidium of the Supreme Soviet of the USSR of June 26, 1940, "On the transition to an eight-hour working day, for a seven-day working week and the prohibition of unauthorized withdrawal of workers and employees from enterprises and institutions" which provided legal responsibility of heads of enterprises and institutions for avoiding trial Persons guilty of involuntary withdrawal from the enterprise and from the institution, and persons guilty of absenteeism without justifiable reasons. The strict adherence to Article 6 of the Decree could, under certain circumstances come into conflict with the interests of production.

### 5. The conclusion.

Either way, the essence of any punishment - from administrative or disciplinary punishment to punishment, pre - deprivation of punished certain benefits or, what is the same, the difference between the status of a person who did not conflict with a criminal law and the statute person who entered into such a conflict. The amount of overtax yes depends on the gravity of the crime: the more serious the crime The more serious the crime is, the more severe punishment should be imposed.

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