

GENERAL AND SPECIAL TYPES OF EXEMPTION FROM CRIMINAL LIABILITY: APPOINTMENT, PURPOSE, DESIGN FEATURES

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The subject of the article is the problem of compliance of general and special types of exemption from criminal liability with the legal nature of criminal law, as well as the logical consistency of criminal law matter.

The purpose of the article is to establish the key factors influencing the construction of the content of general and special types of exemption from criminal liability by studying the goals, purpose and legal nature of the latter.

The methodology includes dialectical, comparative legal methods, systematic analysis of legal academic literature, as well as interpretation of Russian criminal law.

The main results, scope of application. The establishment of norms providing for the release of persons who have committed crimes from criminal liability in the law is justified by the disappearance (reduction) of the public danger of the committed act and (or) the personality of the person who committed it. Modern trends of criminal policy require the presence of such an instrument in the legislation, which allows avoiding unnecessary criminal repression, restoring the rights of victims. At the same time, the consolidation of special types of exemption from criminal liability in the text of the Special Part of the Criminal Code of the Russian Federation pursued two main goals: (1) To avoid the onset of more serious consequences (causing death or harm to the health of hostages); (2) Revealing and disclosure of latent (hidden) crimes. However, despite the indicated feature, special types of exemption from criminal liability should be built taking into account the tasks facing the criminal law of Russia and the goals of criminal liability.

Conclusion. The content of the types of exemption from criminal liability is directly influenced by the purpose and goals of this criminal legal institution. The further improvement of this legal institution should be carried out exclusively taking into account the tasks facing the domestic criminal law.

1. Introduction

The criminal law is not a rigidly established set of rules, the content of the norms included in it is transformed in response to the changes that occur in the surrounding society in order to meet the needs of society [1, p. 571]. An exception to this pattern was not one of the most fundamental institutions of criminal law - punishment.

The ineffectiveness of punishment as the only and uncontested means in the fight against crime prompted legislators and scientists to look for other measures of criminal law influence [2, p. 46-48]. As M.V. Bavsun: "The inability of the former means to have an effective effect on new criminal manifestations or the uncontrolled growth of the former will force the legislator to look for new ways to counter them, including measures of a criminal law nature" [3, p. 49]. This was expressed not only in the emergence of new legal norms, but also in a change in the fundamental provisions of criminal law.

First of all, we are talking about the gradual abandonment of the previously dominant principle - the inevitability of punishment, the transition to the principles of the inevitability of criminal liability and the inevitability of criminal law coercion (criminal legal impact) [4, p. 101].

The consequence of these trends was the development of alternative measures for the state to respond to the fact that a person committed a crime. Without delving into the analysis of the peculiarities of the legal nature of the latter, we note that the domestic criminal law system also had its own unique measures. For example, in the Criminal Code of the RSFSR of 1960, the following measures were provided, which are applied instead of the traditional institution of criminal punishment: transfer of a person on bail; transfer of the case to a comrades' court; application of compulsory educational measures to minors (subsequently they were supplemented by exemption from criminal liability with bringing to administrative responsibility) [5, p. 28].

The special significance of this particular criminal law lies in the fact that it was the first time that the institutions of punishment and criminal liability were separated [6, p. 6], which provided an

opportunity for a doctrinal study of the latter. Certain prerequisites for the introduction of certain types of exemption from criminal liability into the Criminal Code of the RSFSR of 1960 were contained in the regulatory legal acts of an earlier period (for example, in the Guidelines on Criminal Law of the RSFSR adopted in 1919, in paragraph 16 there was a provision that was a prototype of the norm on a change in the situation as a basis for exemption from criminal liability/punishment) [7, p. 59].

Despite this, it is very problematic to talk about any continuity of certain types of exemption from criminal liability that appeared in the Criminal Code of the Russian Federation in 1996, since they have become new for the domestic legal system (for example, Article 76 of the Criminal Code of the Russian Federation, subsequently Article 76.1 and 76.2 of the Criminal Code of the Russian Federation). Further development and introduction of new alternative response measures became possible due to the transition to a different state system in Russia, changes in the legal, economic, social and other spheres of life. Such a reaction began to be understood as a certain and necessary "compromise" in the fight against crime [8, p. 80]. The application of these norms began to be justified by the thesis that in order to prevent and prevent crimes (subject to certain conditions), it is more profitable not to subject the offender to full-fledged criminal legal repression, but to "forgive" him [9, p. 120].

At the same time, their appearance and inclusion in the criminal-legal matter of the new Criminal Code had to comply with both general tasks (Article 2 of the Criminal Code of the Russian Federation) and special goals provided for specific institutions (criminal responsibility). We believe that immersion in the legal nature and social conditionality of the institution of exemption from criminal liability and its individual norms can make it possible to approach the establishment of the meanings laid down in it by the legislator. Given these circumstances, it is possible to take a step towards building a coherent, logically consistent criminal law.

The foregoing should be reflected in the process of modeling the future institution of

exemption from criminal liability [The problem of unsystematic, internal competition in the system of types of exemption from criminal liability has been repeatedly drawn to the attention of researchers. See: 10, p. 155]. Moreover, the content and design of the legal norms that make up this institution must be in a certain relationship with its goals and purpose.

2. General types of exemption from criminal liability.

In accordance with the classification shared by most scientific researchers by location, the types of exemption from criminal liability are divided into: 1. General (located in the General Part of the Criminal Code of the Russian Federation). 2. Special (Special) located in the Special Part of the Criminal Code of the Russian Federation as notes to certain articles [11, p. 96-98].

Turning to the consideration of general types of exemption from criminal liability, we emphasize that although the Criminal Code of the Russian Federation of 1996 provides for a separate chapter, referred to as "Release from criminal liability", it does not exhaust the consolidation of all types of exemption from criminal liability provided for in the General Part of the Criminal Law [12, p. 245].

A unified system of types of exemption from criminal liability, enshrined in the General Part of the Criminal Code of the Russian Federation, appears to us as follows: A. Enshrined in Chapter 11 of the Criminal Code of the Russian Federation: 1. Active repentance (part 1 of article 75 of the Criminal Code of the Russian Federation); 2. Reconciliation with the victim (Article 76 of the Criminal Code of the Russian Federation); 3. Compensation for damage (Article 76.1 of the Criminal Code of the Russian Federation); 4. Appointment of a judicial fine (Article 76.2 of the Criminal Code of the Russian Federation); 5. Expiration of the statute of limitations (Article 78 of the Criminal Code of the Russian Federation); B. Enshrined in other chapters of the General Part of the Criminal Code of the Russian Federation: 1. Amnesty (Article 84 of the Criminal Code of the Russian Federation); 2. Compulsory measures of educational influence (Article 90 of the Criminal

Code of the Russian Federation)¹.

3. Legal requirements for the release of a person from criminal liability.

The implementation of any type of exemption from criminal liability requires the presence of general (theoretical) grounds, which are: reduction (loss) of the public danger of the personality of the person who committed the crime, and (or) reduction (loss) of the public danger of the committed act [13, p. 53-54]. Accordingly, only in the presence of these circumstances (or any of them) is it expedient to release the perpetrator from criminal liability.

In addition to the general (theoretical) grounds for each type of exemption from criminal liability, there are certain conditions, among which we single out the main one. It is this main (special) condition that we understand as the basis for the application of a particular type of exemption from criminal liability, it determines its specificity, allows us to distinguish it from other types. For example, for Art. 76 of the Criminal Code of the Russian Federation, the basis is reconciliation with the victim, since the remaining conditions (committing a crime for the first time; committing a crime of a certain gravity; making amends for the harm caused by the crime) are common to other types of exemption from criminal liability. In addition, such a condition as making amends for the harm caused to the victim [14, p. 15], may be absent in a certain situation, for example, if the victim waives his right, therefore it cannot be another basis on a par with reconciliation with the victim discussion. The point of view on the presence of two grounds for the application of Art. 76 of the Criminal Code of the Russian Federation is reflected, for example, in: 15, p. 124].

Since the general types of exemption from criminal liability apply to a non-personalized circle of persons, acting on certain categories of crimes, the legislator had to formulate in the most abstract way the legal criteria necessary for their implementation (conditions, grounds). At the same time, it is

¹ It is necessary to make a reservation that a significant discussion is unfolding regarding the prospects for including other general types of exemption from criminal liability in this list, as well as making other changes to it (excluding any of the presented types, etc.).

noteworthy that such norms have a different legal structure: some are imperative (for example, part 1 of article 78 of the Criminal Code of the Russian Federation), others are discretionary (for example, part 1 of article 75 of the Criminal Code of the Russian Federation).

4. Establishment of a mandatory (mandatory) or discretionary (discretionary) nature of the type of exemption from criminal liability.

We believe that when understanding the relationship about giving the general form of exemption from criminal liability an imperative (mandatory) or discretionary (prudential) character, it is necessary to use the pattern according to which subjective types should be discretionary, and objective types should be imperative [16, p. 46].

The proposed rule is justified by the fact that the fulfillment of the requirements (grounds and conditions) of a subjective type depends on the desire and actions of the perpetrator (for example, under part 1 of article 75 of the Criminal Code of the Russian Federation, this is a voluntary surrender, facilitating the disclosure and investigation of a crime, compensation for damage or other way of making amends). The use of a discretionary approach in this provision is justified, since the law enforcer needs to assess the degree to which a person fulfills these legal requirements, which in different situations may differ, are of an individual nature (for example, for Article 76 of the Criminal Code of the Russian Federation, if the victim requires compensation for only part of the property damage caused to him).

For objective types of exemption from criminal liability, the application of which is due to the occurrence of circumstances beyond the control of the guilty person (for example, the expiration of the statute of limitations), no one's discretion and assessment is required, it is enough just to state the presence of a legally significant fact, therefore it is advisable to formulate them as mandatory (imperative).

The discretion of the law enforcement officer is also aimed at establishing the existence of general (theoretical) grounds for exemption from criminal liability, indicated earlier [The need to

establish the disappearance of the public danger of the person of the perpetrator when applying a specific legal basis for exemption from criminal liability is indicated in: 17, p. 275]. The conclusion about their presence can only be made when considering the post-criminal actions specifically performed by a person in a specific criminal case.

Moreover, in our opinion, when determining the existence of general (theoretical) grounds for exemption from criminal liability (without reference to any specific type), it is necessary to take into account other conditions that are not directly provided, but follow from the essence of the institution of exemption from criminal liability. (in relation to Article 76 of the Criminal Code of the Russian Federation, they are: admission of guilt and repentance for the deed), as well as the possibility of achieving the goals of the criminal law and criminal liability. The use of the formula: "the person is released from criminal liability" will make it impossible to assess the presence of the circumstances we have indicated.

The scientific literature substantiates the point of view, according to which, in order to establish the mandatory (mandatory) nature of the operation of the norms under study, it is necessary to provide for an exhaustive list of requirements for the guilty person, the presence of which would indicate the achievement of general (theoretical) grounds for exemption from criminal liability, however, It is practically impossible to do this at the legislative level, since the specific life situations, the interests of the injured persons and other circumstances of committed socially dangerous acts are too diverse [13, p. 85-86].

The complex structure of post-criminal behavior aimed at reconciliation of the person who committed the crime with the victim, [18, p. 60-62] requires a separate study in each specific case, which does not allow the use of the wording "a person is released from criminal liability".

Ultimately, it seems that in order to maintain a balance in the criminal policy pursued by the state, it is necessary to return to the perception of the fact of the application of rules that exempt a person from criminal liability (on non-rehabilitating grounds) as having an exceptional character. When implementing the norms of the criminal law, the

main attention should be paid to the interests and needs of society (the state), and not private actors (the guilty person, the victim), since this branch of domestic legislation is public, it is primarily focused not on taking into account the opinion of a particular person, but to fulfill the tasks set before the UK.

In this regard, the remark made by A.A. Tolkachenko and Yu.E. Pudovochkin about the fact that it is difficult to agree with the proposals of some authors to establish the strictly imperative nature of the operation of the rules exempting from criminal liability [19, p. 69-70].

General types of exemption from criminal liability extend their effect to a potentially wide number of persons, therefore, formulating them all as mandatory (mandatory) will deprive the institution of exemption from criminal liability of its "exclusivity". This is their fundamental difference from special types of exemption from criminal liability, since the latter are "pointwise" established by the legislator, with respect to specific offenses.

5. Purposes of criminal responsibility.

In addition, special attention should be paid to the goals facing the institution of criminal responsibility. As A.A. Nechepurenko, the goals of criminal liability are: the restoration of social justice and the prevention of crime. The goal - the correction of the guilty, can only be set in the process of executing the punishment [20, p. 31-32]. A.I. Martsev emphasized that the goals of criminal liability are both general and special prevention of crimes [21, p. 33-35].

Moreover, although the above goals did not include the correction of the person who committed the crime, we agree with the opinion of M.V. Bavsun that the restoration of social justice is inextricably linked with the correction of the face [22, p. 98]. This thesis refers to the release from criminal liability in connection with the expiration of the statute of limitations, since in this case the refraining of a person from further violation of the criminal law indicates its correction, i.e. acceptance of the installation of the inadmissibility of acting illegally, which allows the society to return its member, respectively, to restore social justice [This is proved by the lawful behavior of a person for a certain time - a statute of limitations. See: 23, p. 38.

Although other points of view on this issue are actively developing in the scientific literature].

The restoration of social justice can be expressed in positive post-criminal actions of a person who has committed a socially dangerous act, which are aimed, for example, at making amends for the harm caused to the victim [24, p. 454]. The general prevention of crimes is achieved because, when releasing perpetrators from criminal liability, the state indicates that it has revealed the fact of a crime, has established the person who committed it, which causes a potential threat of punishment for everyone who has violated the criminal law, and this, in turn, has a deterrent impact. A special warning appears to be implemented by introducing such a condition as a condition for the implementation of certain types of exemption from criminal liability, such as committing a crime for the first time, as well as using conditional types of exemption from criminal liability (for example, the imposition of a judicial fine or the application of compulsory measures of an educational nature). Unfortunately, the currently dominant understanding of the content of the indicated condition does not allow for the necessary preventive effect, since the perpetrators are repeatedly exempted from criminal liability on non-rehabilitating grounds [25, p. 71-75].

We believe that the construction of the conditions necessary for the application of a particular type of exemption from criminal liability largely depends on the achievement of the designated goals.

6. Special types of exemption from criminal liability.

Turning to the analysis of special types of exemption from criminal liability, it is necessary to single out their "targeting", since they apply to certain offenses. The designated norms are contained in the notes to the articles enshrined in different parts (sections, chapters) of the Special Part of the Criminal Law, which leads to the need to group them according to certain criteria.

So, S.N. Shatilovich proposes to divide all special forms of active repentance from the Special Part of the Criminal Code of the Russian Federation into five groups: 1. Voluntary termination of a continuing crime; 2. Voluntary surrender; 3. Voluntary assistance in solving a crime; 4. Voluntary

compensation for the damage caused; 5. Voluntary prevention of further damage from a crime [26, p. 38]. We believe that the legal nature of some special types of exemption from criminal liability does not allow us to identify them with the forms of active repentance, which are mentioned in Part 2 of Art. 75 of the Criminal Code of the Russian Federation (for example, Articles 122, 308, 337, 338 of the Criminal Code of the Russian Federation).

D.A. Grishin groups the conditions for the application of special forms of active repentance into the following: 1. Associated with an infringement on a person's freedom; 2. Related to bribery and bribery; 3. Related to reporting a crime; 4. Committed at the stage of an unfinished crime; 5. Committed at the stage of a completed crime in the form of cessation of criminal activity [27, p. 144].

It seems that most of the special types of exemption from liability can be conditionally divided into two groups.

7. Prevention of the onset of more serious consequences of a socially dangerous act.

The first ones are addressed to subjects who have already legally completed the offense (committed completed crimes), but continue to threaten the life and health of the victims.

For example, a person who voluntarily released a person kidnapped by him is released from criminal liability (note to Art. 126 of the Criminal Code of the Russian Federation) [On the problem of the relationship between the content of the objective side of the corpus delicti under Art. 126 of the Criminal Code of the Russian Federation, and the decision on the release of a person from criminal liability, see: 28, p. 5-8], a person who voluntarily or at the request of the authorities released a hostage (note to Article 206 of the Criminal Code of the Russian Federation), a person who for the first time committed an act qualified as "human trafficking" (Article 127.1 of the Criminal Code of the Russian Federation), who voluntarily released the victim and contributed to the disclosure of this crimes. In these and a number of other cases, the real threat to the life or health of the victims persists even after the crime is brought to an end. In such cases, the legislator, regardless of the need to implement the principle of the

inevitability of criminal liability, guarantees persons who have already committed, including grave, crimes against the person and public safety, release from liability, in response to the positive behavior of the perpetrators, thus using any opportunities for rescue of the victims.

In this regard, we are close to the position of A.G. Antonov, who points out that the notes to the articles of the Special Part of the Criminal Code of the Russian Federation seek to eliminate a public danger of a higher level - "cumulative" than simple. Public danger turns into "cumulative" when there is a possibility of more serious consequences [29, p. 12].

So, "the kidnapping of a person is considered a completed crime from the moment of capture and the beginning of his movement". "Based on the note to Article 126 of the Criminal Code of the Russian Federation," explains the Supreme Court of the Russian Federation, "such a release of a kidnapped person should be recognized as voluntary, in which the guilty person realized that he had a real opportunity to hold the victim, but it released him, including transferring him to his relatives, representatives of the authorities, pointed out to them the location of the abducted person, from where he could be released. The physical restraint of the victim, carried out after the crime has been completed, in itself causes suffering to the latter. In such a situation, the abductee may be killed in order to hide the traces of the attack.

In this regard, the legislative experience of some foreign countries is interesting. For example, the Kyrgyz legislator establishes a time limit after which the release of the kidnapped by the guilty person will not exclude liability. In accordance with the note to Art. 170 of the Criminal Code of the Kyrgyz Republic, a person who abducted a person is released from criminal liability if he released the victim "within 72 hours from the moment of abduction." In part 3 of Art. 170 of the Criminal Code of the Kyrgyz Republic, describes the privileged elements of kidnapping, which refers to the case "if the perpetrator voluntarily released the kidnapped person after 72 hours". Such an approach, on the one hand, solves the problem of long-term detention of the victim by the criminal with virtually impunity. On the other hand, the threat of criminal liability,

although mitigated, may reduce the motivation of the perpetrator to release the victim, albeit "belatedly".

"Under the voluntary release of an abducted person, within the meaning of the law," the highest court clarified, "is understood to be such a release that is not conditional on ... the fulfillment or promise to fulfill the conditions that were the purpose of the abduction." Indeed, not bringing to justice the subjects who released the abducted after achieving the goals for which the crime was committed will not help prevent infringement on the freedom of the individual. "The Supreme Court of the Kabardino-Balkarian Republic Dyshekov, Sundukov, Kushokhov were convicted of kidnapping and extortion. Having kidnapped the daughter of the production manager of the flour mill K., the perpetrators demanded a large sum of money from their father as a ransom. After the "agreement" was reached, Dyshekov brought his daughter to K.'s office and, upon receiving the money, was detained by police officers. The Judicial Collegium of the Supreme Court overturned the verdict in terms of convicting the criminals for kidnapping, and left the rest unchanged. The Deputy Prosecutor General of the Russian Federation, in protest, raised the issue of canceling the cassation ruling and sending the case for a new cassation hearing. The Presidium of the Supreme Court satisfied the protest, noting that it is impossible to recognize as voluntary the release of the stolen person during the transfer of money, i.e. when the father fulfilled their conditions" [30, p. 21].

As we can see, in such cases, the legislator makes a smaller list of legal requirements for persons in comparison with the general types of exemption from criminal liability, for the most part constructs them as mandatory (mandatory), allows their application even when serious crimes are committed, which also does not correspond general provisions.

8. Identification (disclosure) of latent crimes.

Another group includes notes to the articles of the Special Part of the Criminal Code of the Russian Federation concerning latent crimes that are difficult to detect and infringe on the security of

society and the state. Persons who issued weapons and explosives, explosive devices (note to Articles 222 and 222.1 of the Criminal Code of the Russian Federation), reported treason or espionage committed by them (note to Article 275 of the Criminal Code of the Russian Federation), who ceased participation in extremist community (note to Art. 282.1 of the Criminal Code of the Russian Federation), who reported giving a bribe (note to Art. 291 of the Criminal Code of the Russian Federation), etc. With regard to bribery, the Supreme Court of the Russian Federation determined the following conditions for exemption from liability: "A report (written or oral) about a crime must be recognized as voluntary, regardless of the motives that guided the applicant. At the same time, a statement about a crime made by a person in connection with his detention on suspicion of committing this crime cannot be recognized as voluntary².

This approach is justified for all hard-to-detect crimes, since if law enforcement officers have already become aware of the offense and the person who committed it, then the meaning of the criminal-legal compromise is emasculated. Refusal to implement the principle of the inevitability of responsibility is permissible only in order to suppress hidden encroachments, of which the law enforcement agencies are not aware. Meanwhile, if the person who committed the crime does not know that operational-search measures are already being carried out against him or investigative actions are being prepared, and reports his act, then the commented notes should apply to him.

In addition, the special legal nature of some special types of exemption from criminal liability does not allow us to include them in these proposed groups.

9. Show compassion for the guilty.

For example, a note to Art. 122 of the Criminal Code of the Russian Federation "Infection with HIV infection", according to which a person is exempted from criminal liability if another person,

² Clause 29 of the Decree of the Plenum of the Supreme Court of the Russian Federation dated July 9, 2013 No. 24 (as amended on December 24, 2019) "On judicial practice in cases of bribery and other corruption crimes" // ATP "ConsultantPlus".

put at risk of infection or infected with HIV infection, was warned in a timely manner that the first person had this disease and voluntarily agreed take actions that create the risk of infection. The assumption of such circumstances is more likely associated with giving the victim consent to harm to his health than a form of active repentance.

It is the appointment of special types of exemption from criminal liability, which is invested in them by the legislator, that makes it possible to make a significant compromise with persons who have committed specific socially dangerous acts, subject to certain requirements. The clarification of the conditions necessary for this, and the "targeting" of these norms, allows the legislator to construct them according to the type of mandatory (mandatory).

An exception to the general rule is associated with the need to establish the necessary conditions for their application, which refers to Art. 337 and 338 (a combination of difficult life circumstances). This condition is abstract, cannot be specified by the legislator due to the variety of life situations, therefore, it requires an individual approach and consideration by the law enforcement officer in each specific case. On the other hand, the presence of this condition is presented by the legislator in relation to Art. 151 of the Criminal Code of the Russian Federation, but there it is also revealed by him: "... due to difficult life circumstances caused by the loss of a source of livelihood or lack of a place of residence", which explains its formulation in a mandatory (imperative) form.

10. Conclusion.

The establishment by the legislator of special types of exemption from criminal liability is determined by the desire to avoid the onset of more socially dangerous consequences from committed illegal acts, the difficulties of identifying (disclosing) the latter, the development of humanistic ideas in criminal law, incl. the principle of "economy of criminal repression" [31, p. 8]. Therefore, the state "targeted" provides the perpetrators with certain incentives in return for positive actions taken (release of held hostages, voluntary surrender of narcotic drugs, firearms, etc.). The action of such a "compromise" applies to

a certain socially dangerous act (less often - to a group of homogeneous acts), while fixing an exhaustive list of conditions necessary for the implementation of the norm. We believe that this factor justifies the construction of special types of exemption from criminal liability according to the type of imperative (mandatory) method of application.

In turn, the general types of exemption from criminal liability apply to an extremely wide range of socially dangerous acts (mainly of minor and moderate severity, but taking into account part 6 of article 15 of the Criminal Code of the Russian Federation, this area can be expanded at the discretion of the court), with determining their content, it is difficult to provide an exact list of factors indicating the loss (reduction) of the public danger of the person of the perpetrator and (or) the crime committed. This encourages them to provide for fairly broad (general) requirements (for example, making amends for the harm caused to the victim for article 76 of the Criminal Code of the Russian Federation, depending on the type of harm and other circumstances, in each specific case may differ significantly). In addition, we believe that it is necessary to return to the understanding that, in itself, the appeal to the institution of exemption from criminal liability should be an exceptional circumstance, which will be prevented by the establishment of a mandatory nature in the application of general types of exemption from criminal liability. That is why the legislator designed most of the general types of exemption from criminal liability as discretionary (optional), which give the law enforcement authority the authority to apply them.

The practice of implementing types of exemption from criminal liability should be carried out taking into account the goals of restoring social justice (for example, in case of damages) and preventing crimes (for example, introducing a condition on the commission of crimes for the first time). When determining the content of the latter, it is necessary to proceed from the general (theoretical) grounds for exemption from criminal liability, since this is the basic principle that justifies the admissibility and expediency of applying such norms.

The criminal law protects the interests of the individual of society and the state, not only prohibiting encroachments on these values, but also encouraging, in exceptional cases, the refusal of a person who commits or has committed a crime to cause even more harm than the one that has already been caused to them. Therefore, the main purpose of the special types of exemption from criminal liability provided for in the Special Part of the Criminal Code of the Russian Federation is not to restore the violated rights of victims and force the perpetrators to positive post-criminal behavior, but to protect the most important values, but using a specific method for this.

General types of exemption from criminal liability do not increase the security of relations protected by criminal law. They are a balancing tool between the level of the criminal threat and the measure of repression, which should be sufficient and not excessive, as well as feasible for the state [32, p. 13]. Saving repression through the use of general types of exemption from criminal liability cannot be carried out at the expense of the interests of the victims of crimes. Therefore, the main condition here is to make amends for the harm caused by the encroachment of the individual, society, and the state.

In special grounds, the task of suppressing encroachments and blocking the threats associated with them is solved, and in general, compensation for the harm already caused and the "self-rehabilitation" of the perpetrator. Therefore, in the first case, exemption from criminal liability is imperative, and in the second, it is conditioned by the measure and quality of the fulfillment of the conditions for release. Socio-economic development of the state, increasing the efficiency of its law enforcement system, the adoption of a "small", but "hard" criminal law [33, p. 39] will make it possible and necessary to implement the ideas of uncompromisingness in the fight against crime, by reducing the grounds for exemption from criminal liability, which do not increase the security of law enforcement relations.

Further development of the institution of exemption from criminal liability should be carried out taking into account the correct idea of its general purpose and tasks to be solved in

specific areas of criminal law protection.

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