

Concept and characteristics of the crimes. Classification of crimes



Presentation by: Kudabayeva.M

Criminal law as one of the main branches of law is the set of legal rules that define the concept and elements of crimes, grounds and limits of criminal responsibility for these acts, as well as conditions for exemption from criminal liability and punishment. As law in general, it regulates a specific group of public relations. In the first place - is the social relations that develop between the government, represented by the courts and law enforcement agencies on the one hand and the citizen in connection with committing an especially dangerous to the public offense (crime) - on the other.

Defining the concept of crime given in article 9 of the Criminal Code of the Republic of Kazakhstan: "A crime is considered guilty of a socially dangerous act (action or inaction) prohibited by this Code under threat of punishment."

From this definition, it is clear that a crime has a number of mandatory features. This is - a socially dangerous act, its unlawfulness, guilt and punishable. Only if all of these features combine to act it can be considered a crime.

УГОЛОВНО-
ПРОЦЕССУАЛЬНЫЙ
КОДЕКС
РЕСПУБЛИКИ
КАЗАХСТАН



The first sign of a crime - its social danger. Public danger - it is an objective property of action (action or inaction) actually cause substantial harm to legally protected public relations or pose a threat of such harm.

It is a public danger (harmfulness) action or inaction taken into account by the legislator when considering the criminalization or decriminalization of the act. Just in case it is advisable to criminalize certain acts, if they are objectively socially dangerous. But even if the legislator considers necessary to establish in the criminal law prohibition of a particular behavior, it does not mean that a particular act or omission, falling under the signs of the acts specified in the law, always a criminal. It is important to establish that the alleged offense is socially dangerous. According to the second part of Article 9 of the Criminal Code "is not a crime action or inaction, although formally containing signs of any act provided for in the Special Part of this Code, but by virtue of insignificance not representing public danger, that is, do no harm and do not pose a threat of harm individual, society or the state. "

Classification of crimes

Various criteria can be used as the basis of classification of crimes.


First, the object of the crime. Depending on the object of crime Special Part of the Criminal Code is divided into chapters, each of which is concentrated on that group norms providing responsibility for the crimes encroaching on the same generic object (crimes against the person, the family and minors,

constitutional and other rights and freedoms of man and citizen, etc.). The value of this classification is not only in the fact that it facilitates the use of the Code enforcers, but also makes it possible to correctly determine the socio-political nature of each specific action, as well as helps to qualify the deed. For example, article 184 of the Criminal Code, providing for liability for violation of intellectual property rights, placed in Chapter 6, "Crimes against property" of the Criminal Code, while in the Russian Federation article of the Criminal Code, predusmatring responsible for such crimes, placed in the chapter "Crimes against constitutional rights and freedoms of man and citizen. " It follows that if the victims of these criminal acts in the Russian Federation Criminal Code can only be recognized by an individual (generic object of these crimes are the constitutional rights and freedoms of man and citizen), the Criminal Code of the Republic of Kazakhstan to protect intellectual property rights is not only physical, but also legal persons, as there a generic object of the legislator to define your own relationship.

Secondly, the criterion for the classification of crimes can be a form of guilt. The criminal acts are divided into intentional and reckless. The assignment of a crime to intentionally or negligently entails very serious legal consequences: the impact on the determination of the nature and degree of public danger (negligent offenses can not be regarded as serious or very serious, relapse is recognized only in respect of intentional crimes, only a deliberate form of fault possible in the preparation of a crime and attempted crime), in the sentence (premeditated crimes usually are punished more harshly), the order of serving it, exemption from criminal liability and punishment, and others. Sometimes the basis for classification placed motive for the crime, for example, self-interest (confiscation of property may be imposed in cases provided for by the Criminal Code, only for committing acquisitive crime).

Thirdly, the basis of the classification of crimes may be the nature and degree of public danger of the act. It is against this criteria built the division into categories of crimes in article 10 of the Criminal Code. All acts provided by the Special Part of the Criminal Code, are classified according to the nature and degree of public danger to the minor offenses, crimes of medium gravity, grave crimes and especially grave crimes. Minor offenses shall be deliberate acts for the commission of which the maximum punishment provided by the Criminal Code does not exceed two years' imprisonment and negligent acts, for the commission of which the maximum punishment provided for the Criminal Code does not exceed five years in prison. Less serious crime is an intentional offense for the commission of which the maximum punishment provided for the Criminal Code does not exceed five years in prison, as well as negligent acts for the commission of which is punishable by imprisonment for a term exceeding five years.





Grave crimes shall be deliberate acts for the commission of which the maximum punishment provided by the Criminal Code, does not exceed twelve years in prison.

Particularly serious crime is an intentional act for the commission of which the Criminal Code prescribes a penalty of imprisonment for a term of more than twelve years or the death penalty.

The division of crimes on these categories allows for a more differentiated approach to persons in conflict with the law, when deciding about bringing them to justice, the qualification of the offense, sentencing and release from criminal liability and punishment.

so the preparation for crime small or average gravity does not entail criminal liability. In the criminal procedure is not intended attack on a minor offense. Making a first minor offense due to accidental coincidence of circumstances is a circumstance mitigating criminal responsibility and punishment. In appointing jointly minor offenses penalties may apply the principle of absorption of less severe punishment by more severe. In the case of a suspended sentence for a probation minor offense court in sentencing to decide whether to cancel or the preservation of probation, while committing the crime in such cases that category entails the abolition of mandatory probation. Under appropriate conditions, in the case of a crime of minor or moderate person can be exempted from criminal liability in connection with active repentance; reconciliation with the victims; inability to recognize a person dangerous to society by virtue of its subsequent good conduct; the expiration of the two-year (for a minor offense) and five years (in the commission of a less serious crime), the statute of limitations from the date of commission of the crime or the expiration of respectively three and six years, the statute of limitations from the date of entry into force of a judgment of conviction. Parole from serving a sentence for offenses of minor or medium gravity can be used for serving half (one third for minors) of his sentence. Persons serving imprisonment for a crime of minor or moderate injury, the court may replace the unnerved part of the punishment with a milder punishment. Repayment of a criminal record in respect of persons convicted of these crimes to prison, perhaps for three years after serving his sentence and with respect to minors - one year. Juveniles convicted for the first time for a crime of small or average gravity may be released from punishment with application of compulsory educational measures.

**Thank you for your
attention!**

