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**LEGAL IMPACT OF RECEIVING A BRIBE ON THE TERRITORY OF RUSSIAN
FEDERATION**

Bachelor's thesis

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I hereby declare that I have compiled the thesis independently and all works, important standpoints and data by other authors have been properly referenced and the same paper has not been previously presented for grading.

The document length is 12552 words from the introduction to the end of the conclusion.

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TABLE OF CONTENTS

ABSTRACT.....	4
INTRODUCTION	5
1. THE CONCEPT AND LEGAL ESSENCE OF RECEIVING A BRIBE. CRIMINAL LAW ANALYSIS OF ARTICLE 290 OF THE CRIMINAL CODE OF THE RUSSIAN FEDERATION.	8
1.1 The concept of a bribe and the history of the development of responsibility for taking it	8
1.2. The objective side of taking a bribe	16
1.3 Russian Federation case vs EU legislation-based case	20
1.4 The subjective side of taking a bribe	25
2. FEATURES AND PROBLEMS OF RECEIVING A BRIBE	31
2.1 Actual problems of qualification and taking to custody for receiving a bribe	31
3. GENERAL SOCIAL AND SPECIAL CRIMINOLOGY PREVENTION MEASURES..	35
3.1 General social and criminological measures to prevent corruption crimes	35
CONCLUSION.....	37
LIST OF REFFERENCES.....	38
APPENDICES	42
Appendix 1. Non-exclusive licence	42

ABSTRACT

The main aim of this thesis consists of 4 parts.

The first part is to formulate the concept of a bribe on the territory of Russian Federation, to determine the objective side of its receipt, as well as to highlight the problems in matters of qualification and prosecution for taking a bribe, finding a solution.

Chosen research methods: systematization to date of information related to obtaining information and bringing consideration for its receipt, as well as the use of information to study the issue under consideration, as well as classification and analysis.

The outcome of this analysis will be manifested in the conclusion as the result of the study of the issue that was stated in a research question. Rather: Criminal law analysis of the theory and practice of criminal prosecution for receiving a bribe, identifying the problems of the issue under study, as well as suggesting ways to solve the problems that exist today

This thesis is written in English language and is x pages long (the final amount of pages will be added by the end of the work), including 4 main chapters.

INTRODUCTION

Crime in itself is not only a social and even physically dangerous phenomenon. Among other things, the crime, or rather the fact of its commission, undermines the population's faith in the law, the state and, of course, their own security. This is not surprising, because a person, watching the commission of a crime from the outside ("observing" is very conditional, we say that he knows that crimes are being committed, and knows the statistics on the commission of these crimes), so, watching, he realizes that crime currently exists, it is possible to meet it himself, and the criminal element continues to flourish.

But this is when it comes to ordinary crimes. But when it comes to bribery, there is absolutely no limit to popular indignation. If, say, there is any theft, the population of the country will think: why can't the state take measures to prevent such a phenomenon? But what to think when a bribe occurred, because this crime is usually committed by representatives of the state, who are legally authorized to act on its behalf? That is, in fact, they make the state a criminal, stain its honor and not that they undermine, but literally destroy the trust placed by citizens in the state. Perhaps this is the main thing that can be said about bribery, and this is already a lot, because such a phenomenon as bribery completely destroys the authority of the state.

At the moment, one of the most corrupt countries in the world is the Russian Federation. It would be foolish to deny that bribery is also one of the most important problems on the territory of the Russian Federation, compared to other countries. And as a crime at all that is one of the most common today. There are even special anti-corruption programs, which means recognizing the fact that this phenomenon has already gone beyond all permissible limits. Although it is difficult to say with regard to bribery that at least some framework is permissible, because this phenomenon must be eradicated completely.

So, the crime is widespread, and this is only on the basis of those data that are officially known. There are open statistics of this socially dangerous act, but in fact it is even larger.

And here we are not even talking about the fact that some stories are silent, hidden from the population, or that there are different groups of people, some of whom are "inviolable", so no one seems to pay attention to them. Such allegations are not proven, and therefore we will not concern them. However, there is another situation: on TV we can watch stories where various officials find huge amounts of valuables and money. The media will publish, in other words, situations where people are already insolent in the end, and the limit of their wealth is no longer possible to determine. That is, we are talking about a very large bribery. But how many situations when bribery is small, but it, just like a major infringement of someone's rights and also corrupts people who are prohibited by law to take additional payment for work from someone or perform their work not as necessary, but otherwise in favor of third parties, if these persons provide money or valuables.

To date, the legislator has developed a program that includes regulatory legal acts aimed at combatting bribery. First of all, it is, of course, the Criminal Code of the Russian Federation, which provides for conditions and a measure of criminal liability for receiving a bribe, as well as the Federal Law "On Combatting Corruption"¹. In addition, on the territory of the Russian Federation there are also subordinate regulatory legal acts aimed at combatting corruption, as well as explanations given by the Supreme Court of the Russian Federation, in particular, the Resolution of the Plenum of the Supreme Court of the Russian Federation "On Judicial Practice in Bribery and Other Corruption Crimes".

Thus, the relevance of the chosen topic for the thesis is justified by the fact that bribery as a phenomenon in the territory of the Russian Federation has now acquired a frightening scale. It is a global phenomenon and undermines both the socio-political and socio-economic well-being of the state. In this regard, combatting bribery should now be a priority area of this state. Any manifestations of bribery undoubtedly have a devastating impact on the activities of state bodies, municipal bodies, and the activities of various institutions. In addition, as mentioned above, they completely kill citizens' trust in the state, much less in persons who are obliged to

¹ Criminal Code of the Russian Federation of 13.06.1996 No. 63-FZ

act on behalf of the state, that is, literally all officials of state and local self-government bodies, which is almost the same in the understanding of the average person².

In addition, the thesis that combatting bribery is important at all levels, both large and smaller and insignificant, is not yet fully felt. It is quite difficult to identify all cases of receiving a bribe. As a rule, no one is interested in small bribes in everyday life. They are not dangerous from the point of view of citizens, and this is a deep misconception, because even if a bribe does not harm, it is still another drop in the cup of the criminal system³. So, in order for the fight against bribery not to become an element of a political game, this phenomenon must be combatted really globally, not selectively.

The object of this final qualification study is public relations in the field of qualification of bribery and criminal prosecution for the commission of this socially dangerous act on the territory of the Russian Federation.

The subject of the study is certain provisions of the current criminal legislation of the Russian Federation regulating the conditions of responsibility for receiving a bribe, as well as other provisions used in qualifying this act and prosecuting the perpetrator (materials of judicial practice, explanations).

The purpose of the presented final qualification work is a criminal law analysis of the theory and practice of criminal prosecution for receiving a bribe, identifying the problems of the issue under study, as well as suggesting ways to solve the problems that exist today.

² David-Barret E. (2014). Are some bribes more harmful than others? Exploring the ethics behind anti-bribery laws, *Journal of Interdisciplinary Economics*.

³ Nils C. Kobis, Jan-Willem van Prooijen, Paul A.M. Van Lange. (2017). The road to bribery and corruption: Slippery Slope or Steep cliff? *Sage Journals*.

1. THE CONCEPT AND LEGAL ESSENCE OF RECEIVING A BRIBE. CRIMINAL LAW ANALYSIS OF ARTICLE 290 OF THE CRIMINAL CODE OF THE RUSSIAN FEDERATION.

1.1. The concept of a bribe and the history of the development of responsibility for taking it

In modern society, corruption is the most dangerous crime phenomenon, and bribery is its most typical and characteristic manifestation. According to Article 290 of the Criminal Code of the Russian Federation, a bribe means receiving money or other valuable property by state or municipal employees for committing or not committing actions that are beneficial to the person transferring remuneration. Actions or omissions can only be criminalised if their commissions are within the competence of the person, or he or she has the opportunity to influence the adoption of the necessary decision.⁴ Not only does bribery discredit representatives of the authorities and the authorities themselves in the eyes of citizens, but it also undermines the foundations of state power and governance. That is why bribery is the most insidious and dangerous official crime among the crimes included in Chapter 30 of the Criminal Code of the Russian Federation, which provide for punishment for crimes against public service⁵.

Most often, the subject of bribery is money, less often expensive things. The difficulty in disclosing and investigating bribery is that this crime has a special mechanism of investigation. First of all, because at the time of bribery, the parties try to exclude witnesses or eyewitnesses. After all, both participants in the crime, both the briber and the briber, are interested in committing the crime, and, realizing that this is an illegal act, use all possible measures in advance and thoughtfully so that their actions do not become known to the public. Bribery implies illegal actions of both parties, so both the briber and the briber shall be prosecuted. There are cases when officials take bribes for actions that are already obliged to fulfill by virtue

⁴ Fominykh S.M. (2008). Criminal liability for receiving a bribe to municipal employees. Thesis. p. 23

⁵ Glinskiy Y. (2006): Crime in Contemporary Russia. European Journal of Criminology.

of their official duties. In such cases, it is quite difficult to collect evidence for the existence of the crime.

But, nevertheless, the material traces of giving and receiving a bribe still remain. For example, in bank accounts, financial and other documents reflecting the decisions of officials (e.g., enrollment, admission to a university, housing, registration). Often bribes are received by leaders with great power, who enjoy respect and authority. But also, sometimes bribers also hold high positions and have a public position. These circumstances make it much difficult to carry out investigative and operational-search actions.

As mentioned above, bribery is a form of corruption. The term “bribery” itself is not used in the Criminal Code of the Russian Federation.⁶ The Federal Law “On Combatting Corruption”⁷ uses such terminology as bribery, bribery in the wording of the term “corruption”. The terms “bribery” and “corruption” are used simultaneously in legal documents.⁸ For example, the legislator believes that uniform application of the law providing for punishment for bribery is necessary. Therefore, the definitions and terminology in this case should be the same and acceptable. The legislator used this terminology in the Resolution of the Plenum of the Supreme Court No. 6 of 10.02.2010. The relationship between these terms indicates that they have been found in legal literature for a long time and often. The relationship can also be traced in the historical retrospective.

Bribery, as a kind of crime, determines different semantic shades that do not always give an exhaustive characterisation of this phenomenon. Explanatory Dictionary V. Dahl gives the following interpretation of the concept of bribery: failure, fees, offerings, gifts, gifts, payment or gift to an official to avoid embarrassment or bribery for an illegal case. In recent years, information about the arrest of high-ranking officials and the initiation of criminal proceedings against them to receive bribes has become familiar. The large-scale struggle of the state against corruption, which is being waged at all levels of government, does not eradicate

⁶ Criminal Code of the Russian Federation of 13.06.1996 No. 63-FZ’.

⁷Federal Law No. 273-FZ. (2008). (Edited in 2020). "On Combatting Corruption".

⁸ Parkhomenko S.V., Sedykh D.A. (2018). Worldview foundations of combatting corruption. Russian justice. p. 26-27.

or even reduce this phenomenon. Therefore, we can safely say that the most dangerous form of corruption is bribery.

The legal literature lacks a clear definition of bribery, and the legislator does not give an exhaustive answer either. In this regard, bribery is often interpreted as a collective term uniting four offences designated by articles of the Criminal Code of the Russian Federation: 290, 291, 291.1, 291.2. They should be considered comprehensively, while analysing separately the features of each composition. In order to understand the concept of the very essence of bribery, it should be traced in retrospective of the development of Russian legislation. Social relations, the organisation of the state have changed, the economy and public life have developed. Each stage of development has made its own adjustments to social relations. These changes could not but be reflected in the legislation. Taking into account both positive and negative experiences, the state has updated outdated regulations or adopted completely new ones. It should be noted that bribery was included in a number of criminal acts only in the XIX century. It was equated to murder and theft. The legislation has emphasised two types of bribery: “bribe” and “dry”. Receiving a bribe for those actions that did not go beyond the legal framework was defined as “bribe”. And receiving a bribe for those actions that went beyond the law is “drying”. Such a crime was punished much more severely. Before that, bribery was not considered a criminal offence, moreover, it was even encouraged if it was not related to the activities of judges. But even then there was no term “bribe”;, but there was “soul”. Therefore, the study of the experience of lawmaking in this direction is of exceptional importance in solving codification issues and improvement of legislation as a whole. Even though the concept of bribery was not legally enshrined, as it appeared a long time ago. The history of civilisation development is also the history of bribery development. At each historical stage at the state level, the issue of giving and receiving a bribe was regulated.

In the theory of law, it is customary to distinguish five stages of development of legislation in the field of corruption in Russia⁹. The first refers to the period until 1715. The next one was from 1715 to 1801. The next stages are the following two centuries: from 1801 to 1901 and from 1901 to 2000. The development of modern legislation on corruption is the last, fifth stage.

⁹ Guther G. Shulze, Zakharov N. (2018). Corruption in Russia- Historic Legacy and Systemic nature. SSRN Electronic Journal

These statistics show that corruption has a long history. And nowadays, more often than ever, the media report the exposure of corrupt officials. So, this phenomenon is sustainable, and no rigour of the law nor the tightening of punitive measures against bribers can eradicate it.

The first mention of bribery in Russian legislation dates back to 1398: the concept of “soul” is found in the Dvina Charter. This concept characterised the receipt of illegal remuneration for the exercise of power. The mention of bribery as a crime is found in the Pskov court charter, in the Sudebnik of 1497. There was no criminal prosecution for these acts at that time. For the first time, the responsibility for receiving a bribe is reflected in the Sudebnik of 1550. According to him, only the judges of the judicial system were prosecuted. The punishment was severe: a triple bribe lawsuit and criminal punishment.¹⁰ But the punishment was differentiated: the smaller the judicial rank, the stricter the punishment, and vice versa. The court took into account the feudal right of privileges, and the law had no generalised wording, describing specific cases. Therefore, these regulations are valuable as monuments of Russian law, but in general do not disclose the essence of the crime.

The next monument to Russian law, the Cathedral Code of 1649, also provided for criminal liability for bribery only in the judicial system. The document traces progress - a new terminology appears: “imaginary bribe” and “mediary in bribery”;

The absence of punishment for bribery in the period of Russian history until 1715 is determined by the fact that officials did not have an established salary, their income consisted in the payment of those who were interested in their activities. Peter I, having come to power, established a salary for civil servants, declaring bribery a crime. The fight against bribery under Peter the Great was serious. Those convicted of this crime were subject to cruel penalties: executions, exiles, stigmatisation, batogging. The denunciation was encouraged, for which the reward followed: “the wealth of that criminal is immovable and moveable”, it was possible to get the rank of exposed bribe taker.¹¹

¹⁰ Kryukova N.I. (2016). Corruption, it's essence and historical roots in Russia. History of State and Law. p.52-57

¹¹ Litvyak L.G. (2015). Corruption in Russia: history and modernity. Historical and Social thought. p.49

The reforms of Peter the Great radically changed the system of government, but failed to eradicate corruption. Bribery flourished even despite the issuance of a decree prohibiting officials from engaging in commercial activities, on the imposition of the death penalty for bribery. Petrovsky's period is characterised by high-profile cases of exposing bribe takers: Governor of Siberia Gagarin, Moscow Governor K. Naryshkin, Admiral Apraksin, Senator Dolgorukov.¹²

When creating "Military articles" in 1715, an attempt was made to systematise criminal law norms.

Bribery was considered from several points of view:

- as receiving a bribe;
- violation of official duty as a consequence of receiving a bribe;
- committing a criminal offence for a bribe.

Catherine the Great fought corruption and bribery in her own way. She believed that if civil servants received a good salary, they would not be tempted to take bribes. But the increase in salaries to officials did not change the situation. Under the reign of Alexander I, there was no revolution in the fight against corruption. His decrees were based on the legislative acts of Peter I and Catherine II. Special agencies were established to identify the causes of bribery and eradicate corruption by Nicholas I. A special Committee was established at the General Meeting of the St. Petersburg Senate Departments. Then the Third Office, whose responsibility was to suppress abuse of officials.¹³

¹² Kryukova N.I. (2016). Corruption, its essence and historical roots in Russia. History of State and Law. Article 5. p.54

¹³ Kasyanov V.S. (2012). Historical aspects of combatting corruption in Russia. State and municipal administration. Scientific notes of SKAGS. p. 180

The adoption of the Criminal and Correctional Punishment Code in 1845 can be noted as a kind of milestone in the fight against corruption. This document combines the accumulated experience of legislative activity. Its relevance remained until 1917.¹⁴

The Criminal Code of 1903 is another stage in the development of bribery legislation. It delineated the concepts of “bribery” and “dishness”. Bribery, according to the Code, is the receipt of a bribe by employees. Assistance to bribery was singled out as a separate offence. The draft law “On the Punishability of Jugility” was adopted in Russia on the eve of the revolution.

For the first time in Russian legislation, the concept of “officials” was introduced by one of the first Decrees of Soviet power – “On bribery”. This category was classified as members of the government, representatives of working committees, members of public organisations. Bribery was considered as a counter-revolutionary activity, and the Criminal Codes of 1922 and 1926 provided for bribery as imprisonment, confiscation of property and even execution. The Criminal Code of the RSFSR of 1960 enshrines the rules on bribery. The criminal law is expanding the range of qualifying grounds. There are a large and especially large size of a bribe, as well as the commission of a crime by a group of persons by prior agreement. Accordingly, the punishment is being toughened. The terms of imprisonment for this crime are increased to five years, confiscation of property is envisaged. If the offence is committed under aggravating circumstances, the term of imprisonment is increased for 10 years.

In Russia, bribery has always been a common phenomenon, and in the years of stagnation, the reconstruction period, it was treated as a natural phenomenon. The heyday of corruption can be attributed to the period of privatisation¹⁵. In addition, in 1991, sanctions for bribery such as exile and the death penalty were excluded from the Criminal Code. The bribe became a common source of profit for officials of all ranks. Only an attempt to combat corruption in the country can be called the Decree of the President of the Russian Federation of 1992 “On Combatting Corruption in the Civil Service”.¹⁶

¹⁴ Code of Criminal and Correctional Punishment, - St. Petersburg. (1845)

¹⁵ Russia- Global Bribery offenses Guide. (2022). DLA Piper

¹⁶ Decree of the President of the Russian Federation of 04.04.1992 No. 361 (as amended on 16.11.1992). "On combatting corruption in the civil service system"

The beginning of the XXI century is marked by new directions in the fight against corruption. Additional punishment for bribery - confiscation of property - was excluded from the Criminal Code in 2003. There is a bill defining the vectors of state policy in the fight against corruption - the Federal Law "On Combatting Corruption". By the Decree of the President of the Russian Federation of 19.05.2008. "On measures to combat "corruption", the Council for the prevention of corruption was established, the National Plan was approved to suppress any manifestations of corruption, and it was more focussed on preventive measures. Russia has become a party to international agreements on combatting corruption; such important international instruments, such as the UN Convention against Corruption, the Council of Europe Convention on Criminal Liability for Corruption have been ratified.

The publication of the law "On the organisation of the provision of state and municipal services" has significantly narrowed the corruption component in the authorities. The establishment of fees for citizens for public services deprived officials of income in the form of bribes. Another attempt to prevent corruption among officials is the law obliging state and municipal employees to report annually on their income, as well as on the income of spouses and minor children.

In 2011, the President signed a law on multiple fines for bribery, By introducing alternative responsibility. The fine was a novelty in bribery legislation. For an ordinary bribe, a corrupt official could be punished with a fine of 12 to 60 times a sum and deprivation of the right to hold certain positions. Or spend up to three years in places not so far away. For receiving a large-scale bribe, the court could have set a fine of a hundred times the amount of the bribe. If the court elected such a penalty such as imprisonment, the term could vary from eight to 15 years. The bribe taker was not released from the fine either, but its size was slightly lower - 70 times the size of the bribe. Regardless of the amount of bribe, an upper ceiling was introduced for fines - no more than 500 million rubles.

In 2015, the country's government concluded that the situation in society was improving, there was a downward trend in corruption. The punishment for bribery was mitigated - a law was issued to reduce the multiplicity of the amount of the bribe. At the same time, new forms of

punishment have been introduced - correctional labour and a ban on holding certain public office for three years after the court decision. Amendments have also been made to the Criminal Code of the Russian Federation - Article 291.2, which provides for punishment for petty bribery.

Responsibility for receiving a bribe in Russian criminal law has been developing for centuries. The study of the topic leads to the conclusion that the measures taken were more focussed on suppressing manifestations of corruption rather than eradicating its cause. But this is the task of the state to take preventive measures¹⁷. Criminal law is based on punitive functions. Both before and now, the punishment for bribery is severe, and yet it does not stop either those who give bribes or those who take them. Therefore, the problem of bribery remains relevant.

It is difficult to eradicate corruption in the country because it has become commonplace. Ill-considered legislative initiatives not only do not contribute to the fight against corruption, but also allow corrupt officials to find loopholes by discrediting the authorities. With a decrease in living standards, the favourable factor for the spread of corruption is dissatisfaction of the population with their financial situation. Therefore, it is so important to take comprehensive measures aimed at improving the well-being of people, the struggle of the state against corruption should be combined with the development of social, economic and cultural spheres of society. The legislature and executive authorities should join forces to develop measures to combat corruption, to direct criminal law policy to improve society.

In order to eradicate bribery in Russia, it is necessary to build a modern legal, democratic state, an effective market economy, form a strong civil society, create conditions for the development of a responsible, creative, active personality.

¹⁷ Russia Corruption Report. (2020). GAN.

1.2. The objective side of taking a bribe

The leitmotif of all criminal acts that involve receiving a bribe is the corruption component. People holding high positions with power often dream of taking root on the problems of ordinary citizens or companies in private hands. For many years, attempts have been made at the legislative level to improve legal mechanisms in terms of combatting this negative phenomenon. But despite the sufficient seriousness of the legally regulated liability for bribery, there are no fewer such offences.

Therefore, the problem of combatting such a criminal phenomenon of corruption remains extremely urgent today. Bribery undermines citizens confidence in officials, and therefore in the state as a whole. Accordingly, the negative result of such acts is the undermining of state power and its discreditation.

Speaking about the legislative regulation of responsibility for bribery, as well as countering this negative phenomenon, it is necessary to list the following regulatory legal acts:

- Criminal Code of the Russian Federation¹⁸;
- Federal Law “On Combatting Corruption”¹⁹;
- Resolution of the Plenum of the Supreme Court of the Russian Federation “On Judicial Practises in Cases of Bribery and Other Corruption Offences”²⁰.

In the Criminal Code of the Russian Federation, all acts in which a bribe appears are enshrined in Chapter 30, entitled “Crimes against state power, interests of public service and service in local self-Government”. Article 290 of the Code establishes the responsibility of a person for receiving a bribe.

Article 291 of the Code establishes sanctions for bribery. A person will be punished under Article 291.1 of the Code for mediation in bribery, and a person convicted of petty bribery will

¹⁸ Criminal Code of the Russian Federation of 13.06.1996 No. 63-FZ

¹⁹ Federal Law "On Combatting Corruption" of 25.12.2008. No. 273-FZ

²⁰ Resolution No. 24 of the Plenum of the Supreme Court of the Russian Federation (2013). (as amended in 2019). "On judicial practises in cases of bribery and other corruption offences"

be prosecuted under Article 291.2 of the Code for mediation in bribery, and a person convicted of petty bribery will be prosecuted under Article 291.2 of the Code.

In this paragraph of the final qualifying study, we will consider such elements of the composition of the act as the object and objective side of the crime, the responsibility for which is established by Article 290 of the said Code.

For the correct characterization of any criminal act, it is important to clearly define the four main components of the composition of such an act. Therefore, all theoretical questions regarding the object of the crime, its objective side, subject and subjective were and remain the main ones.

Speaking about the object of the crime, it should be noted at once that it determines the nature of any crime²¹. The object of a crime is a public attitude subject to protection on the basis of the current legislation of the country, against which one or more crimes are directed. The object of the crime is an integral part of each individual criminal act. Equally important, when talking about the object of the crime, the subject matter of the crime is also important. Correct identification of the object and subject matter of the crime allows to reveal the legal nature of the latter, reveal its content and form. All this will make it possible to distinguish the act from related crimes. And today, in the theory of criminal law, lawyers pay close attention to problematic issues in the field of correct determination of the object and subject matter of bribery. Despite the existing scientific works of authoritative lawyers, these problematic issues have not found a uniform solution.

Traditionally, in the science of criminal law of the Russian state, the division of the object of the crime takes place into several types. These are: generic, species and direct. All of them are an integral part of the general object of the act²². A species object is an integral part of a generic object. It accumulates narrower groups of relationships. Thus, the species object is the basis for dividing sections of the Special Part of the Codex into chapters. By highlighting a species

²¹ Karabanova E.N. (2018). The concept of the object of a crime in modern criminal law. Journal of Russian Law. No. 6. p. 71

²² Tennberg M. (2007). Trust in International environmental cooperation in Northwestern Russia. Cooperation and Conflict

object, it is possible to most clearly establish the social relations protected by criminal law, on which the encroachment was committed. A number of legal scholars believe that the species and ancestral objects of a criminal act, for which responsibility is regulated by Article 209 of the Criminal Code of the Russian Federation, coincide.

However, the author of fundamental scientific works in the field of criminal law A.I. Rarog considers it necessary to distinguish between the objects of receiving a bribe.

The author identifies three objects of the act under consideration:

- Public power.
- Public service interests.
- The interests of the municipal service²³.

Generic and species objects - should be considered as a whole, as their definition allows you to get a more integral, clear idea of the criminal act committed. Together they reveal the concept of the object of the crime. Section X of the Code "Crimes against State Power" refers to sections with species objects²⁴.

A certain public attitude, which is encroached upon by the offender in the commission of the act, is the direct object of the crime. The subject of the crime wants to cause or damage to him. The named object is also an integral part of any criminal act. In case of receiving a bribe, the immediate object will be public relations aimed at realizing full, normal activities of officials. Considering the object of the crime, responsibility for which is established by Article 290 of the Criminal Code of the Russian Federation, it is important to dwell on one important aspect: relatively recently, the definition of the subject of the crime established by the norms of the said Code regulating punishment for the corruption component has been supplemented. These changes followed in accordance with Federal Law of Russian Federation²⁵.

²³ Inogamova-Hegay L.V. (2008). Criminal Law R.: Special part: textbook of L.V. Inogamov-Hegay, A.I. Rarog. p. 513

²⁴ Criminal Code of the Russian Federation of 13.06.1996 No. 63-FZ

²⁵ Federal Law "On Amendments to Certain Legislative Acts of the Russian Federation". No. 265 of the Federal Law of 13.07.2015

According to this legislative innovation, officials (acting as a subject of corruption-related crimes) are persons performing organizational, administrative, administrative and economic functions in state companies, state and municipal unitary enterprises, joint-stock companies, if the controlling stake in them belongs to the Russian Federation, constituent entities of the Russian Federation or municipalities. This concept was previously regulated by the Criminal Code of the RSFSR of 1961. But in those years, private property was out of the question, because all enterprises belonged to the state, so all criminal acts in the area under consideration were an encroachment on the interests of the state.

And then there are legislative discrepancies. Those included in the concept of an official only provoke difficulties in determining the object of the crime under study. And this is due to the fact that the subjects of criminal acts regulated by Chapter 30 of the Code cannot infringe on the interests of the civil service. If there are such legally important nuances, it would be advisable to make an adjustment in determining the object of the crime. Thus, the object should be considered public relations aimed directly at protecting the interests of the state power, state and municipal service, as well as the interests of commercial and other organizations with state participation. Or make the necessary adjustments to the subject composition. The wording “available” today calls into question the object of criminal law protection of Chapter 30 of the Criminal Code of the Russian Federation.

Based on the statistics on cases involving bribery, you can see that the vast majority of bribe pants are civil servants, then officials of state-plan institutions, followed by representatives of municipal authorities and officials of municipal institutions. In such crimes, the direct object is public relations that protect the interests of the civil service, where subjects fulfil their official duties. It follows that the objective side of the crime under study is the criminal actions of the bribe taker. What is the crime of such actions? A bribe is always obtained for performing specific actions or omissions. Thus, the bribe taker uses his official powers to realize his criminal case. Moreover, the actions themselves may both contradict the law and fall within the competence of the subject of the crime.

1.3. Russian Federation case vs EU legislation-based case

Thus, in accordance with the verdict of the Perovsky District Court of Moscow, B.D.A. was convicted under paragraph “c” of Part 5 of Article 290 of the Criminal Code of the Russian Federation. He has been sentenced to eight years in prison. He will serve him in a maximum-security correctional colony. Moreover, he was fined five times the amount of the bribe he received - 1,125,000 rubles. He is also deprived of the right to hold a position in the tax service system for a period of 5 years. His involvement in receiving a large-scale bribe for illegal inaction has been proven. As it was established during the investigation of the crime, B.D.A. was bribed for illegal inaction in the exercise of his official duties related to the control of the reality of information of fundamentally important legal importance in the registration of legal entities. Thus, the remuneration he received for illegal inaction was related to his official activities²⁶.

Bribery has several formats - bribery and bribery-gratitude. These concepts are not legally enshrined, but they can be found in the legal literature. Bribery is inherently the greatest public danger, and this is due to the fact that the subject of the crime is characterized by a material interest in committing a criminal act or omission. Bribe-gratitude is not a pre-agreed action by the parties. But the Resolution of the Supreme Court of the Russian Federation clearly stipulates that regardless of whether there was an agreement between the persons to receive and pay a bribe, or whether it was a bribe - gratitude for the actions or omissions of the subject of the crime, the latter will not escape responsibility.

When studying the object of the crime, it is always important to emphasize the subject that is a mandatory sign of the object. The subject of bribery is what a person is affected when committing criminal acts. Lawyers are still discussing the subject of bribery. Some express the opinion that the subject of this act is exclusively a material thing.²⁷ Others argue that the subject of the bribe is characterized by both material and intangible qualities. The disposition of the

²⁶ Determination No. 5-UDP20 -70-K2. (2020)

²⁷ Paznikov I.I. (2011). The object of receiving a bribe. Russian investigator. No. 5. p. 8.

norm on receiving a bribe defines the subject of bribery: money, securities, property, illegal provision of property services, provision of other property rights.

Again, if we analyze judicial practice in cases of bribery, we can see that the most common subject of bribery is money, then property, both moveable and immovable²⁸.

Let's consider examples of crimes involving bribery and draw a parallel between the legislation of the European Union to understand how significantly different the applicable laws are and how it would be solved in the EU as a whole.

Bronnikov D.N. is the main party, while "O" is the second party.

Bronnikov D.N., who, in accordance with the order of the head of the Ministry of Internal Affairs of Russia for the Petrovsky city district, the position of senior district police commissioner of the department of the UUP PDN, vested with appropriate powers in terms of administrative offence proceedings, conducted administrative investigations, during which he had a criminal intent - to D.N. Bronnikov suggested O not to draw up a protocol on an administrative offence against him for the beatings inflicted on the last victim.

In order to realize his criminal intent, D.N. Bronnikov arranged a meeting with O by telephone at a bus stop to transfer money. After driving up to the place in an official car at the appointed time, Bronnikov, well aware of the illegality of his actions, in order to obtain material benefits and acting solely for mercenary motives, received an appropriate, pre-agreed amount from O. Subsequently, these funds were withdrawn by employees of the Federal Security Service of Russia as part of an operational and investigative operation. The court sentenced D.N. Bronnikov for his act under Part 3 of Article 290 of the Criminal Code of the Russian Federation to criminal liability. As we can see, the subject of the bribe in the case under consideration is the monetary unit²⁹.

²⁸ Kuprina N. (2019). Bribes for housing or non-residential premises: analysis of judicial practice on corruption. The housing law. No. 8. p. 77-84.

²⁹ Verdict of the Petrovsky District Court of Stavropol Krai No. 1-168/2020 of September 16, 2020 in case No. 1-168/2020.

However, in addition to cash, securities and other material assets, the subject of bribery may be property benefits. Today, corruption crimes are becoming more sophisticated, bribery is increasingly taking on new, often hidden forms. As a result, the subject of the bribe is also expanding. It is more correct to say that it is not the object itself that changes, but the ways to get it. For example, funds to the bribe taker can be transferred by transferring them to the account of a one-day company.

Illegal provision of property services in accordance with the decision of the Plenum of the Supreme Court of the Russian Federation³⁰ is defined as the provision to the person holding the relevant position in the form of a bribe of any property benefits. The latter mean, for example, the release of a person from property obligations. For example, instead of a net amount of money, the bribe taker demanded to repair his apartment.

Disputes about the recognition of non-property services or services that are illegal as the subject of bribes continue. In particular, writing dissertations, sexual services. In this case, the stumbling block that the law enforcement officer “stumbles” is the cost of services of this format. Yes, it is possible to confirm it with the relevant evidence, but it is not possible to conduct economic expertise to establish its market value. In such cases, it is extremely difficult to determine the measure and degree of guilt of the bribe taker.

What are the lawyers saying about this? So, P.S. Yani believes that the subject of bribery in these cases should be defined not as the service rendered, but as the money transferred for it. If it is found that intellectual or sexual service has not been paid for, then its provision cannot be regarded as a bribe.³¹ According to B.V. Volzhenkin, only those illegal services that have been paid for by the briber himself will be considered a bribe³².

It may be true that in essence an illegal service is not of a property nature, and it is not possible to assess its property benefits, as there is no established normative value. Therefore, it is not worth considering such services provided outside the law as the subject of a bribe. A few years

³⁰ Resolution of the Plenum of the Supreme Court of the Russian Federation of July 9, 2013. No. 24 "On judicial practises in cases of bribery and other corruption offences"

³¹ Yani P.S. (2013). New Resolution of the Plenum of the Supreme Court on bribery. Legality. No. 9. p. 12.

³² Volzhenkin B.V. (2007). "A regular gift" or a bribe? Investigator. Federal edition. No. 3. p. 3.

ago, the Ministry of Justice and the Prosecutor General's Office received a very rational proposal to expand the concept of bribery. In particular, it was proposed to define the concept of non-property bribes at the legislative level. The need for such amendments is dictated by time and a huge number of corruption offenses. It is worth noting that questions regarding the introduction of this definition into criminal legislation have been raised for many years. No amendment has been made to date.

Thus, the object of receiving a bribe is public relations in the field of normal functioning of state authorities, as well as the authorities of the constituent entities of the Russian Federation and local self-government bodies.

The subject of bribery is what a person is affected when committing criminal acts. Lawyers are still discussing the subject of bribery. Some express the opinion that the subject of this act is exclusively a material thing³³. Others argue that the subject of the bribe is characterized by both material and intangible qualities. The problem of establishing the subject of bribes has remained relevant for many years, requires close attention from scientists, society and the state as a whole. It is necessary to adapt legislation to the realities of the modern world. The bribes have long acquired various forms. In order to successfully combat crimes with corruption, it is important to correctly assess the real situation and conduct appropriate work at the legislative level.

Thus, in accordance with the verdict of the Volodarsky District Court of Bryansk³⁴, A.V. Babanov was found guilty of committing a crime under Part 3 of Article 290 of the Criminal Code of the Russian Federation. Thus, Babanov, being the head of the procurement bureau of JSC "Central Plant of Railway Equipment", whose controlling stake belongs to the Russian Federation, pursuing the mercenary goal of receiving a bribe in the form of a large amount of money, concluded contractual relations for the supply of bricks and periclase powder in violation of federal procurement legislation. He received money in the amount of 146800

³³ Paznikov I.I. (2011). The object of receiving a bribe. Russian investigator. No. 5. p. 8.

³⁴ Sentence No. 1-176/2020 of July 30, 2020 in case No. 1-176/2020.

rubles through an intermediary. Similarly, this criminal act was committed again, which included almost the same amount of money received as a bribe.

Thus, in the presence of evidence available in this case, A.V. Babanov was sentenced to the court with the application of Article 64 of the Criminal Code of the Russian Federation for the first episode: in the form of imprisonment for one year and six months, as well as payment of a fine in the amount of three times the amount of money received illegally, namely 440,000 rubles. By partial addition of sentences, the defendant was sentenced to 2 years imprisonment and a fine of 600,000 rubles. Also, in accordance with the legislation, S.A. Babanov is deprived of the based on judicial practice, neither the amount of funds received as a bribe nor the circumstances under which the act was committed can significantly affect the establishment of corruption itself. But the size of the bribe has the most direct impact on the characterization of the crime. Therefore, the subjective side of the crime, realized with direct intent, is important. The subject of the act in question, endowed with certain powers in accordance with his professional status, who wants to be enriched in an illegal way, despite the size of the bribe, poses a danger to society and the state. The right to hold certain positions for a period of two years.

According to the Belgian prosecutor's office, several members of EU Parliament received bribes in the form of large sums of money and gifts from Qatar, which tried to influence the economic and political decisions of the legislature. Deputy Head of the European Parliament Eva Kylie, recently removed from office, and three other officials were arrested in a corruption case. Among those arrested are former Italian MEP Pierre Antonio Panzeri, head of the Italian NGO "There is no peace without justice" Niccolò Figa-Talamanca, secretary general of the International Trade Union Confederation (headquartered in Brussels) Luca Vicentini and one of the 14 vice-presidents of the European Parliament, a socialist from Everyone is accused of taking bribes from Qatar before the World Cup. In exchange, the country's image in Europe allegedly improved. According to the Federal Prosecutor's Office, a total of six people were detained in the case, but not everyone was charged.³⁵

³⁵ Virginie Malingre, Jean-Pierre Stroobants, April 13, 2023, https://www.lemonde.fr/en/international/article/2023/04/13/qatargate-eva-kaili-former-vp-of-european-parliament-released-from-prison_6022795_4.html, Le Monde, Electronic Journal

16 addresses were searched as part of the corruption investigation. About 600,000 euros in cash were seized. According to investigators, Qatar paid money to improve the image in Europe. The official rhetoric of the EU was that the host country of the World Cup violates human rights and pursues a policy of intolerance against minorities. In any case, the investigation is ongoing. Kylie (she was also a famous TV presenter in Greece) remains in custody. Whether she pleaded guilty to the rest of the arrested was not publicly declared. She is already deprived of the post of Vice-President of the European Parliament.³⁶

The problem also remains that high-ranking politicians, including the Vice-President of Parliament, political officials, lobbyists and their families, allegedly accepted improper payments from Qatar in exchange for decision-making influence in the European Parliament.³⁷

1.4. The subjective side of taking a bribe

This final qualifying study considered such a harmful phenomenon that compromises state bodies as corruption. It is difficult to eradicate corruption in the country because it has become commonplace. Ill-considered legislative initiatives not only do not contribute to the fight against corruption, but also allow corrupt officials to find loopholes by discrediting power in the eyes of the population. The standard of living of the majority of Russians is decreasing, and it is known that the unsatisfactory financial situation of the majority of the population is a favorable factor for the spread of corruption. In this regard, comprehensive measures are needed to improve the well-being of people. The struggle of the state against corruption should be combined with the development of social, economic and cultural spheres of society. And criminal law policy should be aimed at uniting the efforts of the legislature and executive authorities to develop measures to combat corruption.

³⁶ EU corruption scandal: MEP denies Qatar bribery after €1.5m seized, 13 December 2022, <https://www.bbc.com/news/world-europe-63952993.amp>, Electronic journal

³⁷ Motion for a resolution B9-0587/2022 European Parliament, 13 December 2022, https://www.europarl.europa.eu/doceo/document/B-9-2022-0587_EN.html.

To solve the problem of bribery in Russia, it is necessary to build a modern legal, democratic state, an effective market economy, form a strong civil society, create conditions for the development of a responsible, creative, active personality.

Such a socially dangerous act as taking a bribe forms the composition of Article 290 of the Criminal Code of the Russian Federation³⁸.

The object of receiving a bribe is public relations in the field of normal functioning of state authorities, as well as the authorities of the constituent entities of the Russian Federation and local self-government bodies.

The subjective side of the crime is a mandatory element of the criminal offence. At the same time, the subject of the act is the person who realized the criminal plan, without which the crime would not have been committed. By committing a crime, the subject crosses the line of the law, infringes on multifaceted social relations protected by the current legislation of the Russian Federation.

The subject and subjective side of the crime are concepts intertwined. The subjective side is the personal attitude of the subject to the criminal act he realizes, his real assessment of his own actions, the motives and goals he pursues when committing a crime. Therefore, within the framework of this paragraph, we will analyze such concepts as the subject of the crime, as well as focus on the mechanisms in which he drives.

The subject of the crime, responsibility for which is regulated by Article 290 of the Criminal Code of the Russian Federation, is of interest from a theoretical point of view due to its legislatively defined features. There are a number of offences in which the subject of the act is special. Specific features are similar for the subject of the act in question. This means that the subject has special requirements, and not everyone can commit such a crime as receiving a bribe.

Thus, the subject of receiving a bribe has the following characteristics:

³⁸ Criminal Code of the Russian Federation of 13.06.1996 No. 63-FZ

- general, defined for all criminal offences;
- special, peculiar exclusively to Article 290 of the Criminal Code of the Russian Federation.
- Initially, let's consider the general signs of the crime. Chapter 4 of the Criminal Code of the Russian Federation enshrines provisions on the basis of which it is determined which persons are to be prosecuted. In accordance with these provisions, the following are prosecuted:
 - exclusively individuals;
 - sane;
 - who have reached the age of criminal liability.

Within the framework of Russian criminal law, individuals are prosecuted. In law enforcement practices, sociological concepts (or philosophical ones) are not subject to evaluation. When it comes to committing an act, it is obvious that the offender is an exclusively natural person. Animals are not liable. If, for example, a dog bit a person, then the owner of the animal, if any, will be prosecuted.

As noted earlier, the subject of receiving a bribe is characterized by specific features. It is difficult to imagine that a person holding a certain position is insane due to his mental characteristics. After all, the law imposes certain requirements on such persons. The competence of officials is responsible for solving important tasks. When a person is given state-owned powers, it is obvious that he must not only possess certain professional qualities, but also be adequate, mentally healthy. He has a huge responsibility for socially important processes. Both before entering service and as part of the performance of their duties, persons undergo a professional medical examination. This process is mandatory. Among other things, persons confirm their healthy mental state by receiving an expert opinion. Therefore, the

insanity of such persons is simply impossible. But still, if the insanity of the subject was established as a result of the investigation of the crime, how much this fact can affect the person's bribery. When a person attacks a person due to a mental disorder, it is logical in terms of his mental characteristics. But it's another matter when a person wants to get rich at someone else's expense. In this case, it is difficult to draw a parallel between the insanity of the subject and the commission of a crime.

Neither the theory of criminal law nor the practical side of law enforcement raise the question of mandatory assessment of the sanity of the subject of the crime depending on the specifics of the act committed. Thus, if the recipient of the bribe is insanity revealed, he can avoid criminal liability, but will not avoid coercive medical measures.

Age is another mandatory sign of the subject of the crime. The criminal law clearly specifies from what age the relevant criminal liability occurs. Each of the compositions defined in the Criminal Code of the Russian Federation has its own age of criminal liability. Criminal law also regulates the general age of the subject of the act - 16 years. The second part of Article 20 of the Criminal Code of the Russian Federation focusses on the list of norms in which the age of criminal liability is 14 years³⁹. Article 290 of the said Code is not included in this list, so only a person who has reached the age of sixteen can be involved under this norm. But it is obvious that at this age a person cannot hold a certain position, which means that a sixteen-year-old teenager does not have the opportunity to be subject to receiving a bribe. Thus, in theoretical terms, persons who have reached the age of 16 may be subjects of an act for which responsibility is established by Article 290 of the Criminal Code of the Russian Federation⁴⁰, but in practice - not.

Analyzing the above, it can be concluded that there is no specification in the law on how much the sign of sanity can affect the actions of a person when receiving a bribe, there is no clarification regarding the age of the offender, because guided by the general rules for bringing persons to justice regulated by criminal law, responsibility for receiving a bribe comes from

³⁹ Dolgikh T.N. (2020). The concepts and signs of the subject of the crime. Features of the special subject of the crime. SPS ConsultantPlus

⁴⁰ Criminal Code of the Russian Federation of 13.06.1996 No. 63-FZ

the age But none of these nuances hinders the law enforcement officer in establishing the subject of receiving a bribe. And, most importantly, he does not put obstacles to the correct characterization of the crime.

The subjective side of receiving a bribe is expressed solely by direct intent. Thus, the offender, when committing such a crime, understands how socially dangerous the act is, knows or foresees what negative consequences will occur as a result of criminal acts, and he wants them to occur. The problems of law enforcement format are characterized by many offences. And even in bribery cases, there may be situations that will hardly fit into the general understanding of socially dangerous ones. Let's say an official provides a certain service within his competencies, and for this he is given a gift - as a sign of gratitude. In this case, it is difficult to argue that the person was intent to enrich himself at the expense of the donor. At a time when an official, as a matter of priority, anticipating the provision of the service, assesses its cost and informs the donor about it. Naturally, each individual situation is unique, requires an individual approach of the law enforcement officer. If in the first option it is difficult to assess the presence of direct intent, then when the fact of blatant bribery is obvious, you will not have to work to confirm the existence of one.

Thus, receiving a bribe, the perpetrator:

- perfectly understands the public danger of its criminal actions. The harm from such an act is caused by the state power. It is worth noting that when a person commits murder, he is well aware (if he is in a sane state) what harm he causes. But not everything is so unambiguous with taking a bribe. The perpetrator may not fully realize to whom he is causing such harm.

Analyzing the above, we can draw the following conclusion. The subject of receiving a bribe has the following characteristics: general, defined for all compositions of criminal offences; special, peculiar exclusively to Article 290 of the Criminal Code of the Russian Federation. The subject of a crime for which responsibility is regulated by Article 290 of the Criminal Code of the Russian Federation may only be: a person sane, who has reached the age of 16, from which such an act is criminalized. Speaking about the special features of the subject of the

crime, it should be noted that the bribe taker can only be an official endowed with certain powers and having the opportunities necessary for the briber due to the specifics of his activities. The subjective side of receiving a bribe is expressed solely by direct intent. Thus, the offender, when committing such a crime, understands how socially dangerous the act is, knows or foresees what negative consequences will occur as a result of criminal acts, and he wants them to occur.

2. FEATURES AND PROBLEMS OF RECEIVING A BRIBE

The characterisation of crimes is a difficult task due to the fact that the Special Part of the Criminal Code of the Russian Federation contains many related compositions, in connection with which competition is created in the attribution of a social dangerous act to a particular composition of the Code. The composition of Article 290 of the Criminal Code of the Russian Federation is no exception, as it provides for qualifying signs.

Of course, in comparison with some other compositions that do not have any explanations contained in the subordinate regulatory legal acts or explanations of the Supreme Court of the Russian Federation intended to bring to a single denominator in judicial practice on the issue under consideration, Article 290 of the Criminal Code of the Russian Federation still has explanations. They are contained in the Resolution of the Plenum of the Supreme Court of the Russian Federation "On Judicial practises in cases of bribery and other corruption offences".⁴¹

2.1. Actual problems of qualification and taking to custody for receiving a bribe

In addition to the said normative document, or rather, the document having the force of a normative act, the composition in question does not contain any other explanations. And despite their existence, Article 290 of the Criminal Code of the Russian Federation forms many issues that create problems of composition.

And it is necessary to start with a huge spread of sanctions provided for in various parts of Article 290 of the Criminal Code of the Russian Federation. That's what is meant by that. For example, Part 1 of Article 290 of the Code provides for a fine, the maximum amount of which is 1 million rubles. However, 1 million is a fairly large amount, assuming a tenfold amount of

⁴¹ Resolution No. 24 of the Plenum of the Supreme Court of the Russian Federation of 09.07.2013 "On Judicial Practices in Cases of Bribery and Other Corruption Offences" (ed. of 12.24.2019).

100 thousand rubles. This means that the court, when it deems it necessary, can determine the amount of the fine of approximately 110 EUR (10 000 RUB), or even of 11 000 EUR (1 000 000 RUB). In this case, all responsibility lies with the judicial authorities, they are granted a fairly large range of powers.

In the opinion of the author of this study, this is unacceptable, as the measure of responsibility for the commission of an act should be determined by a normative legal act. Of course, circumstances are different, and the measure of responsibility must be determined on the basis of individual signs of crime, but still the range of responsibility should be much smaller. Too much choice means the lack of a unified system of jurisprudence on the issues under consideration. In other words, when considering a crime by different courts, a situation may arise from the series "who's what", which, as a result, gives rise to injustice, when in one case the accused gets a more "good" court, and in another case, for a similar offence, the court will decide that a maximum measure of responsibility should be imposed.

With regard to such a concept as bribery, there are other situations that pose a certain risk. This is another evidence in favour of the clearest possible establishment of sanctions. Suppose there may be such a situation. An official, such a bribe taker, has weight in certain circles and a certain share of power, determined also by real opportunities, and on illegally obtained funds. It's not even a question that the court has already received a bribe. After all, even the reputation of an official as an influential person can exert some moral pressure on the judiciary and on all participants in the process.⁴² To prevent this, the law in terms of receiving a bribe provided for in Article 290 of the Criminal Code of the Russian Federation should provide for everything clearly.

Article 290 of the Criminal Code of the Russian Federation raises many questions in terms of such a measure of responsibility as deprivation of the right to hold certain positions or engage in certain activities. To date, Part 1 of Article 290 of the Criminal Code of the Russian Federation includes the deprivation of this right for only three years among the sanctions. As

⁴² Yani P.S. Bribery: disputes about the content of the novelties of the criminal law and the position of the Supreme Court // Legality. 2018. No. 1., p. 34.

for the qualified compositions of Article 290 of the said Code, this authorisation is additional. That is, the court can resort to it at its discretion, it does not have such an obligation. In the case of such a socially dangerous act as taking a bribe, it seems quite strange. In such a situation, we can assume the following. Let's say an official, having an influential position and certain powers, received a bribe, after which he suffered responsibility under the Criminal Code of the Russian Federation. After his release from prison, he calmly gets a job at his previous job, which can be assumed to allow his connections, and continues to engage in criminal activities. In connection with the above, the absence of deprivation of the right to hold certain positions or engage in certain positions or engage in certain activities among the sanctions seems extremely strange.⁴³

Based on judicial practises, the following picture emerges. When it comes to qualified bribery personnel, the court uses deprivation of the right to hold certain positions as an additional sanction. When we deal with part 1 of article 290, the term of deprivation of office is too short. And here's what it looks like in practice.

Mr. M works in a state medical organisation as a head of department and at the same time a neurologist, whose powers include signing referrals to commissions, which result in disability. An elderly woman who has real health problems and, in fact, is entitled to disability with appropriate payments, could not get the accused's discharge to such a commission until her daughter gave M a bribe of 15,000 rubles. The amount, of course, is not very large, and, as it seems, at first glance. speaks of the absence of public danger in the actions of the accused, especially since initially he, if I may say so, extorted 25,000 rubles. However, he extorted them for the favour he was obliged to provide completely free of charge.

In addition, in this case, we are talking not only about the fact of receiving a bribe, but also about a gross violation of citizens' rights.

⁴³ Truntsevsky Yu.V. Disciplinary and judicial practice in cases of dismissal for a corruption offence due to loss of confidence // Journal of Russian Law. 2020. No. 11. P. 168.

As a result, the person was found guilty and convicted under Part 1 of Article 290 of the Criminal Code of the Russian Federation. However, liability in accordance with the sanction of the rule under consideration amounted to only 150,000 rubles fine, and soon the convict was able to return to work.⁴⁴

Thus, the problems of qualification of Article 290 of the Criminal Code of the Russian Federation are reduced mainly to the unreasonable multiplicity of elements of the objective side of the crime, which, moreover, do not have sufficient legislative regulation.

⁴⁴ Verdict of the Avtozavodsky District Court of the city of Togliatti, Samara region dated 04.12.2017 in case No. 1-896/2017.

3. GENERAL SOCIAL AND SPECIAL CRIMINOLOGY PREVENTION MEASURES

Combatting corruption will not and cannot lead to its absolute eradication. However, it is possible to reduce the level of corruption to a socially acceptable indicator at which it will not be able to have any significant impact on the life of the state, society and their institutions, individuals, and will not hinder their development in accordance with socially significant goals and values. The main role in this belongs to the prevention of corruption, the same conclusion is given by the study of the history of combatting corruption. It is impossible to reduce the level of corruption only by punitive measures, tougher punishment and improve law enforcement practises without a systematic integrated approach. Preventing corruption is more effective in terms of ensuring its social and legal control than combatting it with law enforcement measures.

3.1 General social and criminological measures to prevent corruption crimes

One of the most important areas of improving the effectiveness of legal measures of special prevention of corruption is the improvement of criminal legislation. Among the main proposals: introduction into criminal law of provisions on criminal liability of legal entities for corruption offences. This is due to the existence of relevant rules in international law, including anti-corruption orientation.

It seems advisable to improve legislation in such areas as:

- Limitation of immunity of deputies, prosecutors, judges from criminal prosecution in case of detection in their actions signs of corruption expressed in the form of the commission of specific crimes;
- abolition of restrictions on operational and investigative activities against prosecutors and judges suspected of committing corruption crimes;

- establishment by the Federal Law of transparency in the inspection of persons applying for positions of civil servants by category in federal bodies of representative, executive and judicial power;
- Increment of liability for corruption offences for officials holding public office in federal bodies of state power and bodies of state power of constituent entities of the Russian Federation, as penalties are disproportionately small compared to the damage caused to the interests of the state;
- restoration of criminal penalties "confiscation of property" in criminal legislation.

CONCLUSION

This final qualifying study considered such a harmful phenomenon that compromises state bodies as corruption. It is difficult to eradicate corruption in the country because it has become commonplace.

Ill-considered legislative initiatives not only do not contribute to the fight against corruption, but also allow corrupt officials to find loopholes by discrediting power in the eyes of the population. The standard of living of the majority of Russians is decreasing, and it is known that the unsatisfactory financial situation of the majority of the population is a favorable factor for the spread of corruption. In this regard, comprehensive measures are needed to improve the well-being of people.

The struggle of the state against corruption should be combined with the development of social, economic and cultural spheres of society. And criminal law policy should be aimed at uniting the efforts of the legislature and executive authorities to develop measures to combat corruption.

To solve the problem of bribery in Russia, it is necessary to build a modern legal, democratic state, an effective market economy, form a strong civil society, create conditions for the development of a responsible, creative, active personality.

Such a socially dangerous act as taking a bribe forms the composition of Article 290 of the Criminal Code of the Russian Federation.

The object of receiving a bribe is public relations in the field of normal functioning of state authorities, as well as the authorities of the constituent entities of the Russian Federation and If we are talking about the problem of liability under the article under consideration, then we should also say about the lack of concretization and unreasonably large dispersion of sanctions. And most importantly, the question is that the law, in fact, allows the bribe taker to return to his previous service over time, which in itself poses a threat to society. In this regard, it is proposed to deprivation of the right to hold certain positions and engage in certain activities to make a mandatory measure of responsibility for life.

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