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**RESPONSE TO CRIME MUST BE COMPREHENSIVE, SYSTEMATIC AND CONSISTENT**

**Summary.** This paper is devoted to improving the standards of Russian criminal law governing the response to the crimes. The author is critical of how not quite logical and consistent definition legislator objectives of criminal law and devoid of a system solution to the issue of the necessary funds under criminal law on crime. The paper expressed concern that a number of steps in recent years by the Russian legislator stories leads to the destruction of the conceptual foundations of Russian criminal law and system of criminal law.

**Keywords:** social purpose and objectives of the criminal law, the punishment as a response to crime, form criminal law, a system of measures under criminal law, the system of security measures, improving the criminal law, a comprehensive approach to responding to crime.

**Formulation of the problem**. In Part 1, Art. 2 of the Criminal Code stated his goals: "the protection of the rights and freedoms of man and citizen, property, public order and public safety, the environment, and the constitutional system of the Russian Federation against crime, peace and human security, and the prevention of crime." I have already written about the imperfections of the legal structure and, in particular, its failure to identify the objectives of the criminal law. [1] In my view, the definition of the tasks of the criminal law (both branches of the law and of legislation, as well as activities related to the application of criminal law) A problem of criminal law as a science and as an academic discipline: the first are exploratory in nature, the second related to the need to provide students Lawyers of the appropriate amount of knowledge.Based on the above purpose of the criminal law and its objectives, the legislator should appear to the criminal law to determine: a) the object of the criminal law, and b) features and a comprehensive range of conduct, and to be recognized by the criminal prohibition and persecution;a) the basis and principles of criminal responsibility, goals and objectives of criminal law, and d) a set of necessary tools criminal law and the rules for their application.With each of these tasks legislator, in my opinion, managed only partially. Not touching, because of the limitations of this article, the first three will focus on the latter.Criminal Code, as follows from its second article, refers to the number of necessary and sufficient to solve criminal problems, "punishment and other measures under the criminal law for crimes" (Part 2). It fixes a list of 13 types of punishment (Article 44 of the Criminal Code), different types of exemption from criminal responsibility (Articles 75-78, 84, 90, 126, 204, etc. Art. Of the Criminal Code) and the criminal punishment (Articles 73, 79-85 and 92 of the Criminal Code), provides for a separate probation for punishment (Article 73-74 of the Criminal Code), compulsory educational measures (Article 90 of the Criminal Code), compulsory medical treatment (Chapter 15 of the Criminal Code) , confiscation of property (Section 15.1 of the Criminal Code).But in all this there is no system, the logical conclusion, the necessary coherence and consistency. [2] One reason for this is the lack of appropriate system of representations in the science of criminal law, in particular, the fact that the institutions of punishment, release from punishment and exclusion of criminal proactive orientation (Articles 223, 292, 316, 326, etc.). In practice, this is achieved by imposing criminal liability on persons who have committed a crime, the prevention of new crimes by convicted in a criminal investigation, planning and implementation of measures under criminal law (private warning) etc. responsibilities traditionally considered unrelated to each other, almost as mutually exclusive. [2] The universities as independent of each other read different courses devoted these institutions (1. Meanwhile, in my view, called the three institutions are alternatives to each other, having a common legal nature, arising from their essence and unifying their social purpose of criminal law, the discussed above)All these institutions arose from the need of the State to have the necessary tools to effectively respond to the violations set forth by criminal prohibitions. In these institutions the law provides several sets of different measures under criminal law (13 types of criminal penalties, a number of exemptions from criminal responsibility and even more types of exemption from criminal punishment), which differ for the reasons and procedures for their use, and institutional purposes may vary in subject and object, but all of them have a "common denominator": the general social purpose, single (punitive) nature, the nature of the general legal and common goals. This objective calls for and creates the preconditions for a comprehensive approach to their regulation and more effective application in practice. It seems to go on assignment in the criminal law in the system as a complex of interacting criminal means to counter criminal manifestations are necessary and sufficient to solve complex criminal legal problems.The logic here is that. State responsible for the safety and good order in society, and to build up for this purpose a system of criminal law and relations, must respond to violations.What should be the reaction? It must be assumed that the nature of it should be, first, objectively negative, contain negative assessment(One exception is probably only SamaraHumanities, where the author of these lines is read-piece exclusive course "Problems of effectiveness of criminal law.") a violation of the criminal law and the person who committed it, in a formal public censure and condemnation of the offense the person guilty. This reaction should be second, commensurate with the nature and severity of the offense, that is, fair. Finally, to be socially useful and effective, it must be imminent. This - negative, fair and unavoidable State's response to a violation of the legal prescriptions and it is the essence of the concept of "punishment." In contrast to the 'traditional' identification of the concept with the concepts of "punishment" and "suffering," I interpret it another way: the noun "car" comes from the verb "to reproach" - rebuke, reproach, blame, shame on anyone for anything [ 3] and in its original and true meaning of the noun meaning-lo "conviction", "reprimand", "reproach" [3], ie, negative assessment of a misdemeanor and the person who committed it. Punishment in criminal law - it's not revenge, retribution or demand tougher sanctions and civilized measure of justice, manifested in the application to the person guilty of an offense under the criminal law of adverse consequences for him (conviction and, if necessary, of any pravoogranicheny) for the fact that the person has committed, and to the extent that it has made in order to ensure justice, corrections offender and prevent new crimes (1.Outside, the objective reality of State's response to crime (car) appears as a criminal law - special in nature and content punitive, educational and retaining influence in various forms is a means of criminal law (based, of course, on the techniques of social and criminal psychology and other sciences) to persons who have committed crimes, and on Vol. unstable individuals in order). (In this regard, I can not mention their solidarity with the Ukrainian legislators who were not afraid, like their Russian counterparts, the term, and rightly pointed to the goal of punishment is certainly facing a criminal penalty (Part 2 of Art. 50 of the Criminal Code) as well as, in my opinion, before other measures under criminal law, criminal law.) Establishment of social justice, of correction and prevention of new crimes. Such a reaction is the essence of "the answer" to state an offense, it is the essence of criminal law and the full range of criminal and regulatory measures that apply under the State's response to the crime. [4]Criminal law (punishment) can have different content and be expressed in different forms. Basically, in my opinion, can be the following main forms of such effects: 1) preventive effect on the "unstable" citizens, exerted through the adoption of criminal law (a system of rules) that contain a negative assessment (judgment) of socially dangerous acts of certain and forbidding certain forms of behavior of citizens under the threat of punishment (general prevention);2) punitive-educational and preventative impacts on persons who have committed a criminal offense shall be relieved of liability for non-rehabilitation grounds provided by the criminal law (Articles 75-78, 84, 90, more than 20 articles of the Criminal Code of the Russian Federation); 3) punitive-educational and preventative impacts on prisoners released from criminal punishment or on the further serving on the grounds provided by the criminal law (Articles 73, 79-85 and 92 of the Criminal Code);4) punitive-educational and preventative effects exerted by the convicts in the actual serving of their assigned criminal penalties;5) punitive-educational and preventative impacts on individuals who have served their criminal sentence or early release from serving, during the legal limits of a conviction for a crime (Articles 86, 95 of the Criminal Code).The issue of the impact obschepredupreditelnom criminal law and their punitive nature - an extremely important and complex, while legal, criminological and socio-psychological, it is still poorly studied andrequire a separate detailed study. Nor, indeed, and similar issues in relation to all other forms of the above criminal law.The subject of my attention in this article are solely those of the above penal institutions that are related to the immediate response of the state to the fact of the crime and the decision on the fate of the person who committed it: have found regulatory consolidation in the current Criminal Code penal institutions, the release of criminal penalties and exclusion of criminal responsibility. In modern conditions is the requirement of time and the inevitability of the effectiveness of criminal law response to each violation of the criminal law with minimum losses for the society and its members, as well as possible for the benefit of the offender, his family and society in general. Need an approach that would allow for each individual offender, as in a good medicine for a particular patient, to choose exactly the medicine and the treatment that would ensure his recovery (repair or disposal of a criminal). Requirement of the time - to create a complete system of measures under criminal law, capable of providing a flexible, practical approach to responding to every case of crime, where every measure - in its place, like fingers on a hand, and there is in this system no spaces, no unnecessary components . Further improvement of the regulatory system of measures under criminal law should, in my opinion, to go into in this regard. To this end, should not only resolve legal concept, content, objectives of criminal punishment, their types, classification, order and conditions of appointment, as it is implemented in the current Criminal Code, but also to solve similar issues in relation to all other measures of criminal law. In the criminal law should be to build a single, flexible system of measures under criminal law, possibly clarify their concept of a punitive nature, integrative objectives and general principles, formulated in accordance with the existing priorities of the general and special (special) rules for determining these measures, as well as procedures, conditions and limits of use of each of these measures, its place in the system.The articles of the Criminal Code should get firmly established system of criminal law measures that are necessary and sufficient to solve the problems of criminal law. Such a system should include as its two sub-groups of measures. The first of them - a system of measures under criminal law should, according to the author, include: various types of exemption from criminal liability and criminal penalties, probation, compulsory educational measures, as well as criminal penalties. All these measures are united by a single penal nature, so they must be prescribed by law in the State's response to the crime, they should be applied for crimes against persons who committed them, and administered in accordance with the nature and degree of social danger of the crime in the name of the criminal law recovery goals of social justice (punishment) of correction and prevention of new crimes. The second group of measures - a system of security measures in the criminal law should include medical and other security measures that are non-punitive nature, which should be used not for committing a crime, and in relation to a prohibited by the criminal law, a socially dangerous act to the person who committed it, in ensure its security for themselves and for society as a whole, its treatment, resocialization, etc. This is a compulsory medical treatment, special confiscation of property, loss of driver's license, deprivation of rights of ownership, possession, carrying weapons, etc. Unfortunately, the Russian legislation in recent years, is on the way does not strengthen, but rather the destruction of much-needed conceptual framework of domestic criminal law and system of criminal law. Performs poorly thought manipulation and confiscation of property, is experimenting with a penalty, sometimes imposing this measure unfounded hopes, comes up with in addition to those and not always effectively used hard labor and compulsory work is a kind of "forced labor" is more reminiscent of the Soviet measure in the form of probation with mandatory assignment to work or restriction of freedom in its original form, the proper performance of which it was not possible to provide in practice, etc. Ignoring the advice of scientists and practitioners opinion, massively exclude lower limits of sanctions (including sanctions of imprisonment for even the most skilled and qualified formulations (eg, group, forced, or a large scale robbery (Part 2 of Art. 161 Criminal Code), the group or the use of weapons robbery (Part 2 of Art. 162 of the Criminal Code), and extortion (Part 2 of Art. 163 of the Criminal Code), qualified theft of items of special value (Part 2 st.164 CC), and so… All it reminds fix "Trishkina coat" the fable grandfather Ivan Krylov [5], when the thoughtless, careless or hasty removal of some deficiencies gives rise to new ones. A logical conclusion from the above would support the increasingly sounding proposals on whether the development and adoption of the new Criminal Code, without flaws inherent currently in force. [6] But leaves the alarm that the existing approaches to "modernize" the criminal law a new "coat for Trishka" may be even worse than the existing one. It is particularly disturbing is that more and more clearly in the legislation to emerging trends, brings to mind a half-forgotten in recent years, the thesis of Marx on the nature of law as made into a law the will of the ruling class. [7]

**Дуюнов В.К. Реагування на злочини має бути комплексним, системним та послідовним**

**Анотація:** Стаття присвячена проблемі вдосконалення норм російського кримінального законодавства, що регулюють питання реагування на вчинені злочини. Автор критично оцінює як не цілком логічне і послідовне визначення законодавцем завдань кримінального права і позбавлене системності вирішення питання про систему необхідних коштів кримінально-правового впливу на злочинність. В роботі висловлюється занепокоєння з приводу того, що цілий ряд прийнятих в останні роки російським законодавцем новел веде до руйнування концептуальних основ російського кримінального права та системності кримінального законодавства.

**Ключові слова:** соціальне призначення і завдання кримінального права, кара як реакція на злочин, форми кримінально-правового впливу, система заходів кримінально-правового впливу, система заходів безпеки, вдосконалення кримінального законодавства, комплексний підхід до реагування на злочини.

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