

Institution for the Exemption from Criminal Liability: Current Issues of Law Enforcement

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Abstract: The article focuses on the issues that arise in the law enforcement activities of the preliminary investigation bodies and the court, regarding the legal sufficiency for exempting suspects, accused, defendants from criminal liability. In a number of situations, officials, who are required to make a decision on exemption from criminal liability according to the Special Part of the Criminal Code of the Russian Federation, represent a behavioral strategy concerning a range of variable situations aimed at exemption from criminal liability for terminating a criminal case on the grounds provided for by the Criminal Procedure Code of the Russian Federation. The goal of the research is to identify conflicts in these rules enforcement and determine possible ways of applying the institution of exemption from criminal liability not only at judicial, but also at pre-trial stages of the criminal process, based on the analysis of the relevant norms of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation. Methodological basis: general scientific (analysis and synthesis, dialectical method) and special scientific research methods (system-structural, technical) were used in the work. The main tasks of the research are to analyze the criminal and criminal procedure legislation of the Russian Federation on the exemption of suspects, accused, defendants from criminal liability and the practice of authorized subjects of criminal proceedings based on its application. The **relevance** of the work is determined by a number of proposals of the authors aimed at improving the legal regulation of the application of the institution for exemption from criminal liability. In the final part of **the article**, the authors summarize that a number of norms of criminal and criminal procedural legislation aimed at the legal regulation of exemption from criminal liability require transformation, since they are extrapolated as conflicts to each other.

1 INTRODUCTION

In present-day realities of the Russian society development, a fairly common problem faced by most employees of the preliminary investigation bodies and judges is due to situations related to exemption from criminal liability.

The attention of a number of lawyers was attracted by both general and specific issues that reveal the features of certain types of exemption from criminal liability, raised in the theory of criminal law and criminal procedure. Analyzing the works of T.G. G. Poniatovskaya, we have found that the author raises a significant problem regarding the conditions and grounds for exemption from criminal liability and postulates that they should be presented with a clear motivation, according to which state institutions

consider it possible to refuse to fulfill their duties and offer conditions for exemption from criminal liability, determined by the interests of protecting subjects of criminal law and criminal procedure from criminal encroachments (Ponyatovskaya, 2015).

We cannot but agree with N.Yu. Skripchenko that the conceptual and categorical thesaurus, legal determinism, goals, as well as other measures of the criminal law order will be relevant for a long time (Skripchenko, 2017).

Of course, we are bound to note the depth of thought of D.N. Sergeev, who states that the Criminal Code of the Russian Federation most directly affects the destructive processes of society and any miscalculation of the legislature or the ambivalence of certain legal norms can initiate an increase in

traditional and innovative criminal acts (Sergeev, 2018).

Yu.E. Pudovochkin, A.A. Tolkachenko reminded us of an important thesis, which is that criminal legislation does not following the path of reducing the possibilities for exemption from liability.

Every year, federal laws made appropriate changes to the norms of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation on exemption from criminal liability and termination of a criminal case, expanding the grounds for their application, although the assessment of such changes in law enforcement practice and scientific literature is far from always strongly positive (Pudovochkin, Tolkachenko, 2020)

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This article will touch upon issues that do not seem clear concerning the relationship of the application of the institution for exemption from criminal liability and the practice emerging in law enforcement. An attempt has been made to actualize this institution in the modern sociocultural paradigm.

2 MATERIALS AND METHODS

To solve the problems posed by the authors, materials of criminal and criminal procedural legislation, the judicial practice of the Courts of General Jurisdiction and the Constitutional Court of the Russian Federation were used, as well as the opinion of a number of Russian scientists who have studied such issues. In the course of the research, general scientific (analysis and synthesis, dialectics) and specific scientific research methods (system-structural, technical) were used.

3 RESULTS AND DISCUSSION

Starting to prepare this research, we analyzed not only regulatory legal acts, but also a number of monographic publications, articles by leading lawyers. In particular, L.V. Lobanova draws attention to the fact that in the Russian criminal law one of the mobile normative formations is the institution of exemption from criminal liability. (Lobanova, 2016).

This postulate seems to fit the quintessence of the human nature: self-love does not allow many individuals to objectively assess themselves and admit their guilt. In addition, it should be noted that Articles 75–76.2, 78 Chap. 11 of the Criminal Code of the Russian Federation reveal the possibility

according to which suspects or accused of committing crimes are exempted from criminal liability. In particular, today we can distinguish five points that reveal the grounds on which suspects or accused are exempted from criminal liability: active repentance; settlement with the injured party; compensation for harm; imposition of a court fine; expiration of the statute of limitations.

According to Art. 75 of the Criminal Code of the Russian Federation active repentance is a confession and performance of other actions provided for by the Criminal Code of the Russian Federation. The issuance of a confession by the competent authority assumes that it is given voluntarily, subject to the requirements of Part 1.1 Art. 144 of the Criminal Procedure Code of the Russian Federation.

Analyzing clause 1 of Part 2 of Art. 75 of the Criminal Procedure Code of the Russian Federation, it can be concluded that it is impossible to consider the suspect's and the accused's testimony as arguments, which are presented during the pre-trial proceedings in a criminal case without a lawyer, including those situations when the suspect or the accused himself refuses it and does not confirm them in court. In this regard, if the information presented in the confession is recognized by the court as incompetent evidence, then make a decision to exempt from criminal liability under the Art. 75 of the Criminal Code of the Russian Federation will not be possible, and the grounds for checking compliance with the provisions of Part 1.1 of Art. 144 of the Criminal Procedure Code of the Russian Federation will no longer exist.

In addition, the position of E. V. Blagov is very interesting. According to the researcher, active repentance serves as the basis for exemption from criminal liability, if due to active repentance it "ceased to be socially dangerous". From the scientist's point of view, a confession, initiating the crime solving, compensation for damage or any other form of prevention of harm due to a crime, does not exempt a person from criminal liability. (Blagov, 2018).

A. V. Korshunov and R. A. Zabavko also rightly note that Art. 75 of the Criminal Code of the Russian Federation and Art. 28 of the Criminal Procedure Code of the Russian Federation are devoted to one legal phenomenon. The Criminal Code of the Russian Federation provides for active repentance as a basis for the termination of criminal prosecution, and the Criminal Procedure Code of the Russian Federation determines the procedure for its termination. Moreover, both articles provide for termination conditions (Korshunov, Zabavko, 2016).

Settlement with the injured party acts as the second ground for exemption from criminal liability. At the same time, this ground applies only to a person who break the law for the first time and the crime is characterized as medium gravity when paying off damage to the injured. Art. 35 of the Criminal Procedure Code of the Russian Federation states that a criminal case is terminated by an official of the preliminary investigation body and the court, based on the statement of the injured or his legal representative.

It should be noted the scrupulousness of the researcher E.L. Sidorenko, who drew attention to the fact that a person, who has committed a crime of small or medium gravity even for the first time leads to the emergence of a paradigm of legal relations concerning settlement with the following parties: the injured and the accused; the state and the injured; the state and the offender.

Settlement with the injured occurs, as a rule, subject to a number of conditions, such as reaching a consensus between the offender and the injured, full compensation for harm, compensation for losses. Each person is distinguished by his character, different level of upbringing, reflection and self-acceptance. There are situations when the injured does not consider it possible to settle with the accused and does not even consider the restorative actions offered to him. In this case, the perpetrator is not exempt from criminal liability.

E.L. Sidorenko notes that the second ground for exemption from criminal liability - settlement with the injured - is marked by dualism: the injured, as a rule, is interested in being compensated for the harm caused; the perpetrator is interested in staying free. But, on the other hand, the perpetrator may not compensate for the harm caused and state institutions cannot oblige him to do otherwise. (Sidorenko, 2017).

Settlement with the injured presupposes the establishment of clear compensation for the injured as a result of the committed crime. In a number of cases, settlement is formal in nature and is limited to resuscitation of the intra-family climate and the bringing of verbal repentance. N.E. Grigoriev rightfully clarifies that the accused, even without compensating for the harm caused, can avoid criminal liability, based on the forgiveness of the injureds. (Grigoriev, 2017).

The third ground for exemption from criminal liability is compensation for harm (Art. 76.1 of the Criminal Code of the Russian Federation). The application of this ground is possible only according to those strictly defined provisions in Art. 76.1 of the Criminal Code of the Russian Federation, within

strictly defined terms and in the amount to be reimbursed. The subject of criminal proceedings exempts the perpetrator from criminal liability, guided by Art. 28.1 of the Criminal Procedure Code of the Russian Federation. As usual, criminal proceedings will continue if the perpetrator objects to a non-exonerating ground. The third ground of exemption from criminal liability, as well as the two previous ones, are applicable only if the perpetrator commits a crime for the first time. From the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 19 dated June 27, 2013 "On the application by courts of legislation regulating the grounds and procedure for exemption from criminal liability" (hereinafter: Resolution No. 19 dated June 27, 2013) we conclude that the person who has committed a crime for the first time should be considered as:

- person who has committed one or a number of illegal acts, regardless of qualifications under one or more articles of the Criminal Code of the Russian Federation, but a prerequisite is a provision when the perpetrator has not been punished for more than one committed act;

- person to whom a guilty verdict was passed, but at the time of the commitment of a new crime did not enter into legal force;

- an individual who has committed an unlawful act and has been convicted of a previous crime, the sentence of which has entered into legal force, but circumstances have been discovered that prevent the person from being held criminally liable (expiration of the statute of limitations for a previous crime, cancellation or expungement of record);

- a person sentenced to criminal punishment for which the sentence came into legal force, but as a result of correlation, comparison and analysis of the facts of the defendant's guilt for which he was convicted, it was unsaid and eliminated;

- an individual who has been previously exempted from criminal prosecution and criminal liability.

Referring to O.V. Makarov, we postulate that person who committed a crime for first time should be recognized as a person who has not previously committed a criminal act at all or, although he has committed, but its criminal law consequences have not survived, that is, the statute of limitations for criminal liability has expired, the statute of limitations for the execution of the court conviction has been canceled or expunged (Makarova, 2015).

The imposition of a court fine is the fourth ground for exemption from criminal liability. In common with the previous ground, it concerns persons who

have not previously break the law and the crime itself is not dangerous for society, and the perpetrator compensated for the damage or neutralized the harm caused by the unlawful act. Analyzing the genealogy of criminal liability, it can be summarized that a court fine as ground is not a criminal punishment in the full sense, but adds to the cohort of other criminal measures. In this regard, the rules of Art. 46 of the Criminal Code of the Russian Federation do not apply to the imposition and execution of a court fine, which follows from clause 7.1 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 58 dated December 22, 2015 "On the practice of imposing criminal punishment by the courts of the Russian Federation" (hereinafter: Resolution No. 58 dated December 22, 2015).

The fourth ground for exemption from criminal liability is correlated with the amount of the perpetrator's salary, the presence of his dependents, property, and the amount of the court fine is strictly differentiated.

The Constitutional Court of the Russian Federation also draws attention to these circumstances in its ruling No. 2137-O dated September 27, 2018 "On the refusal to accept for consideration the complaint of the citizen Evgeny Alekseevich Klevtsov on violation of his constitutional rights by Articles 43, 46 and 290 of the Criminal Code of the Russian Federation".

S.S. Shestalo stated that ignoring these rules initiates a fine as an instrument of pressure on the property detail of an individual, the aggregate of whose income cannot act as an opportunity to pay a court fine. (Shestalo, 2021).

We are impressed by the point of view of M. Yusupov, proposing to supplement Art. 76.2 of the Criminal Code of the Russian Federation on the fourth ground. The author is absolutely right that the Criminal Code of the Russian Federation contains crimes, although they belong to the category of small and medium gravity, but meanwhile, represent a high social danger, in particular, this applies to crimes under Part 2 of Art. 133, Part 1 of Art. 134, Part 1 of Art. 135, Art. 240.1 of the Criminal Code of the Russian Federation - against the sexual immunity of minors. We fully share the author's opinion that the court fine imposition will not be able to correct criminals of this kind, but the law states that if a person has not previously committed a crime, and having committed it for the first time compensated for the damage or otherwise made amends for the harm caused by the crime, he can count on an exemption from criminal liability if a court fine is paid. (Yusupov, 2016).

If a person has committed several crimes of small and medium gravity, the courts, when imposing the amount of a court fine, are guided by the sanctions of the article, which proceeds from the most stringent liability. The review of judicial practice of exemption from criminal liability with the court fine imposition considers this approach more reasonable. (Belyaev, Bagautdinov, 2019).

The fifth ground for exemption from criminal liability is the expiration of the statute of limitations, which inevitably depend on the gravity of the crime being committed:

- two years, minor crimes;
- six years, crimes of medium gravity;
- ten years, a serious crime;
- fifteen years, an especially grave crime.

Parts 2-5 Art. 78 of the Criminal Code of the Russian Federation determine special conditions under which a person is exempted from criminal liability, based on the expiration of the statute of limitations. This decision is made by the preliminary investigation bodies, within pre-trial proceedings and by the court in judicial proceeding.

In order to deepen the analysis of the phenomenon under study, we turned to the research of L. V. Bukalerova and Ya. Yu. Shelmenkov, who proposed a range of decisions taken by the court: in particular, the judge can issue a decision to terminate the criminal case at a preliminary hearing, based on Art. 239 of the Criminal Procedure Code of the Russian Federation in the event that the statute of limitations for criminal prosecution ended before the trial start.

Further, the court may terminate the criminal case if there is no objection on the part of the accused. If the accused applies for the hearing on the merits, then the consideration of the criminal case materials should be continued and an appropriate sentence must be passed.

The severity of L.V. Bukalerova, Ya.Yu. Shelmenkova researches revealed a conflict of Part 1 of Art. 254 and Part 8 of Art. 302 of the Criminal Procedure Code of the Russian Federation, as well as non-compliance with the rule fixed in Part 8 of Art. 302 of the Criminal Procedure Code of the Russian Federation, the provisions of Art. 78 of the Criminal Code of the Russian Federation (Bukalerova, Shelmenkova, 2013).

We also share the point of view of Yu.V. Endoltseva is that the legislature is absolutely right when it believes that it is impossible to apply the fifth ground of exemption from criminal liability - the expiration of the statute of limitations - in the event that a person commits a new deliberate crime. The logic is that the expediency of applying the fifth

ground for exempting the perpetrator from criminal liability is dictated not by the fact that the perpetrator has not committed a new crime within a certain period, but by the fact that this person did not evade the court, but made it possible to bring him to justice for an unlawful act within the time period specified by the law (Endoltseva, 2013).

Of course, we cannot but agree with the researcher V.N. Shikhanov that the use of the institution of the expiration of the criminal statute of limitations is possible only within the criminal proceedings. (Shikhanov, 2020).

The imperative nature of the legal norms of the Criminal Code of the Russian Federation obliges officials to exempt the accused from criminal liability only in case of compensation for harm and upon expiration of the statute of limitations. As for the rest of the grounds for exemption from criminal prosecution, they can be implemented only at the discretion of the inquirer, investigator or court.

The rest of the articles of the Criminal Code of the Russian Federation speak only of the possibility of exemption from criminal liability at the discretion of the investigator, inquirer, or court.

The Criminal Procedure Code of the Russian Federation similarly regulates the issues of terminating a criminal case on the grounds we are considering, provided for by the General Part of the Criminal Code of the Russian Federation.

The exception is Art. 28.1 of the Criminal Procedure Code of the Russian Federation, which obliges an authorized official to terminate a criminal case. The rest of the rules related to the criminal case termination due to the circumstances under consideration only provide such a right.

The decisions to exempt the perpetrator from criminal liability and the termination of the criminal case due to this are determined by the norms of criminal and criminal procedural legislation.

Thus, Federal Law No. 533-FZ dated December 27, 2018 amended Art. 145.1 of the Criminal Code of the Russian Federation "Failure to pay wages, pensions, scholarships, benefits and other payments" with note 2: "A person who has committed a crime for the first time under parts one or two of this article shall be exempted from criminal liability if, within two months from the date of initiation of a criminal case, he has fully paid off the arrears in the payment of wages, pensions, scholarships, allowances and other payments established by law, and also paid interest (paid monetary compensation) in the manner determined by the legislation of the Russian Federation, and if his actions do not contain a different corpus delicti".

The same Federal Law amended Art. 76.1 of the Criminal Code of the Russian Federation, expanding the list of articles providing for exemption from criminal liability in connection with compensation for harm.

However, Art. 145.1 of the Criminal Code of the Russian Federation was not included in this list. At the same time, the legislature, by making the article mandatory, obliged the authorized officials to act strictly in accordance with its instructions, namely, to exempt from criminal liability and terminate the criminal case due to the repayment of debt to employees.

Consequently, Art. 145.1 of the Criminal Code of the Russian Federation should be enshrined in Art. 76.1 of the Criminal Code of the Russian Federation.

The binding norm of the Criminal Code of the Russian Federation, postulating the obligation to make a decision on exemption from criminal liability, obliges officials to make a decision in favor of choosing the option of exemption from criminal punishment and termination of the criminal case on the grounds provided for in the Criminal Procedure Code of the Russian Federation.

Another problematic situation is the absence of any repentance on the part of the accused and the fact of his settlement with the injured. At the same time, when the court decides to terminate a criminal case on the basis of a court fine, it is guided by such basic criteria as repentance of the person who committed the crime and the fact that the crime has lost its public danger. In addition, the consent of the suspect and the accused is required for the court to make this decision. Guided by Resolution No. 19 dated June 27, 2013, the judge decides to grant the petition if there are no circumstances characterizing the social danger of the perpetrator and preventing the application of the fifth ground of exemption from criminal liability to him - the imposition of a court fine.

These may include, in particular, the following circumstances:

- the person brought to criminal responsibility did not confirm in the court session his consent to the termination of the criminal case or criminal prosecution on this ground;

- information on the participation of persons brought to criminal responsibility in the committed crime, set out in the decision to initiate a petition for the application of a criminal measure to him in the form of a court fine, does not correspond to the actual circumstances of the case;

- a criminal case or criminal prosecution should be terminated on other grounds provided for by law

(clause 2, Part 5, Art. 446.2 of the Criminal Procedure Code of the Russian Federation).

Of course, the court fine imposition as the ground for the criminal prosecution termination should be clearly reasoned and logical, based on par. 2 clause 25.5 of the Resolution No. 19 dated June 27, 2013. The unjustified presentation by the court of the argumentation and motivational component is the basis for the cancellation of the court fine imposition as an alternative to criminal prosecution.

In this context, we will describe the current situation as follows: the accused (suspect) petitions the person conducting the investigation to exempt him from responsibility due to the note to Art. 145.1 of the Criminal Code of the Russian Federation. However, he does not repent of his deed, does not admit guilt in committing a crime, motivates the temporary non-payment of wages by production necessity, a forced fact to preserve the working capacity of the enterprise. His settlement with the injureds was not as such. The enterprise employees, to whom the payment of wages was delayed, received compensation for the untimely received funds, do not consider themselves injureds, and object to recognizing them as injureds. In addition, they personally supported the employer in resolving the issue of delayed wages. The accused (suspect) objects against the criminal case termination, on the grounds provided for by Art. 25.1 of the Criminal Procedure Code of the Russian Federation, if it is possible to terminate it on other grounds, without paying any fine. The statute of limitations for bringing a person to justice did not come up, but under Art. 28.1 of the Criminal Procedure Code of the Russian Federation does not apply to Art.145.1 of the Criminal Code of the Russian Federation. We approached the situation that the person conducting the investigation of the case, having a lawful and substantiated petition of the accused (suspect), based on the imperativeness of Note 2 to Art. 145.1 of the Criminal Code of the Russian Federation on exempting him from liability, is formally obliged to satisfy it, but he cannot terminate the criminal case on legal grounds provided for by the Criminal Procedure Code of the Russian Federation.

As an example, we can cite the situation concerning the convict S., whom the Shchuchansky District Court of the Kurgan Region convicted under Part 1 of Art. 161 of the Criminal Code of the Russian Federation. As mitigating circumstances, the court recognized C's confession, active cooperation, compensation for damage, but indicated that it was impossible to terminate the criminal case due to the court fine imposition, since there were no actual

obstacles to his exemption from criminal liability with the court fine imposition. In this regard, the Kurgan Regional Court overturned the conviction against S., the criminal case was terminated. C. was released. The ground was Art. 25.1 of the Criminal Procedure Code of the Russian Federation.

An example of the termination of criminal prosecution on other grounds, one can cite a criminal case considered by a magistrate of judicial district No. 3 of the Oktyabrsky Court District of Ivanovo, which refused to satisfy the investigator's petition to terminate the criminal case and criminal prosecution and the imposition of a court fine, since the accused did not confirm a petition and a decision was made to terminate the criminal prosecution and criminal case on other grounds. Summarizing the above, it can be stated that in present-day realities, a situation often arises when the presence of a norm of the Special Part of the Criminal Code of the Russian Federation does not mean that it can be implemented, since the criminal legislation needs to be improved.

Thus, in practice, a situation arises when the norm of the Special Part of the Criminal Code of the Russian Federation provides for the obligation to make a decision to exempt a person from criminal liability, and the implementation of this right in accordance with the relevant norms of the General Part of the Criminal Code of the Russian Federation and the adoption of a legal decision in a criminal case according to the requirements of criminal procedure legislation is not possible.

4 CONCLUSIONS

The main conclusion reached by the authors is the presence of conflicts and gaps in a number of norms of criminal and criminal procedure legislation, which were identified and considered in the work test. This imperfection of the law will be a priori possible to eliminate only by appropriate amendments to the above-mentioned legislative acts, and the sooner this happens, the sooner the quality of the law is improved.

It seems that the results of our brief research indicate an urgent need to improve the legal regulation of the application of the institution of exemption from criminal liability in order to increase the level of efficiency and quality of law enforcement activities of the preliminary investigation bodies and the court.

REFERENCES

- Belyaev, M. V., Bagautdinov, F. N., 2019. Some issues of exemption from criminal liability with the court fine imposition. *In the Russian Justice*. 12. pp. 34-38.
- Blagov, E. V., 2018. Grounds for exemption from criminal liability. *In the Actual problems of Russian law*. 7. pp. 161-168.
- Bukalerova, L. V., Shelmenkova, Ya. Yu., 2013. On the issue of exemption from criminal liability due to the expiration of the statute of limitations. *In the Administrative and Municipal law*. 9. pp. 910-916.
- Endoltseva, Yu. V., 2013. Time limitation in criminal law: 12.00.08 - Criminal Law and Criminology; penal law. p. 30.
- Grigoriev, N. E., 2017. Implementation of the prosecutor powers o bring civil claims in criminal proceedings. *In the Legitimacy*. 2. pp. 12-14.
- Korshunov, A. V., Zabavko, R. A., 2016. On the existing contradictions of the Criminal Code and the Criminal Procedure Code. *In the Legitimacy*. 1. pp. 52-56.
- Lobanova, L. V., 2016. Development of the institution for exemption from criminal liability and the presumption of innocence. *In the Bulletin of Volgograd State University. Series 5: Jurisprudence*. 4(33). pp. 206-211.
- Makarova, O. V., 2015. Exemption from criminal liability in cases of economic activity crimes. *In the Journal of Russian Law*. 1. pp. 111-118.
- Poniatovskaya, T. G., 2015. Do the conditions for exemption from criminal liability need formal signs? *In the Society and Law*. 4. pp. 93-98.
- Pudovochkin, Yu. E., Tolkachenko, A. A., 2020. The main directions of cross-sectoral improvement of the institution for exemption from criminal liability. *In the Journal of Russian Law*. 4. pp. 59-76.
- Sergeev, D. N., 2018. Lawmaking in the system of criminal regulation. *In the Bulletin of the Perm University. Legal sciences*. 39. pp. 125-133.
- Shestalo, S. S., 2021. A fine as a criminal punishment. *In the SPS Consultantplus*.
- Shikhanov, V. N., 2020. Exemption from criminal liability under the notes to articles of the Special Part of the Criminal Code of the Russian Federation. *In the Legitimacy*. 2. pp. 41-45
- Sidorenko, E. L., 2017. Private law mechanisms of criminal defence of the individual. *In the Journal of Russian Law*. 8. pp. 65-72.
- Skripchenko, N. Yu., 2017. Court Fine: Problems of Implementation of Legislative Novelties. *In the Journal of Russian Law*. 7(247). pp. 106-114.
- Yusupov, M., 2016. Issues of applying a new type of exemption from criminal liability with the court fine imposition. *In the Criminal Law*. 6. pp. 122-128.