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Criminal Law Sanctions for Corruption-Related Crimes: an Opinion of the Scientific Community and a View of the Law Enforcement Officer

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Abstract

Introduction: the article analyzes fundamental provisions of the Criminal Code of the Russian Federation in terms of criminal law sanctions for corruption-related crimes and their impact on the effectiveness of measures implemented by the law enforcement and judicial authorities to ensure fairness of punishment. *Purpose*: on the basis of the study of criminal legislation norms and their amendments made over the past two decades and the analysis of statistical data on criminal penalties imposed by the court for certain most common types of corruption-related crimes, to outline criminal legislation shortcomings in this sphere noted by representatives of the scientific community and law enforcement officers; to propose measures for improving criminal sanctions, capable, along with the state's focus on the criminal liability liberalization, to lower corruption risks, thus ensuring the state security, primarily in the sphere of its economic activity. *Methods*: historical; comparative legal and empirical methods; theoretical methods of formal and dialectical logic, private scientific methods; legal and technical methods and the method of interpretation of specific legal norms. *Results*: on the basis of the analysis of the current state of criminal legislation and the amendments introduced into it since 2003 regarding liberalization of criminal law sanctions and the emerging judicial practice of imposing criminal penalties in the form of imprisonment and a fine are generally negatively assessed and the need for their improvement is justified in order to comply with realities of the fight against corruption-related crime and thereby ensure legality, justice and equality of citizens before the law and at the same time humanism in the criminal law norms implementation. *Conclusions*: in order to ensure these criminal law principles in relation to modern realities (new types of crimes, including their commission using information and telecommunication technologies, a significant increase in the amount of material damage caused by crimes to both the state and other economic entities and citizens), it is necessary for the legislator to take appropriate measures to improve criminal legislation and, in particular, adjust lower limits of such specific criminal law sanctions as imprisonment and a fine, the size of which today undermines effectiveness of the fight against corruption-related crimes, including those belonging to the category of not only serious, but also especially serious criminal acts.

Keywords: criminal law; corruption-related crimes; legality; justice; equality of citizens' rights before the law; humanism; court; sentence; imprisonment; fine; judicial statistics.

5.1.4. Criminal law sciences.

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Analyzing problems of combating corruption-related crime and the legislator's role in optimizing the state criminal law policy in the field of ensuring economic security of the country shows that Russia has created the necessary legislative framework in the fight against corruption, including most dangerous types of crimes, such as giving, receiving bribes, commercial bribery and mediation in their commission, other types of receiving illegal remuneration. The author pays special attention to the fact that criminal law norms are designed to counter corruption both by establishing universally condemned illegal behavior entailing criminal liability and a sufficiently severe punishment imposed by the court, including long-term imprisonment, by determining appropriate boundaries of criminal law sanctions with regard to the degree of public danger of the criminal act for the country's economy, the damage caused to the state and citizens. In presenting this problem, the author takes into account that the existing problems of law enforcement and judicial authorities in this area, both earlier and now, are subject to constant research.

In this regard, it should be noted that in the Russian Federation, the legal basis for countering economic and corruption-related crimes is the Constitution of the Russian Federation, generally recognized principles and norms of international law, international treaties of the Russian Federation. The state policy also has a direct impact on combating corruption. It is reflected in the provisions of the Federal Law No. 273-FZ of December 25, 2008 "On combating corruption", the Decree of the President of the Russian Federation No. 478 of August 16, 2021 "On the national anti-corruption plan for 2021–2024" and directly in norms of the Criminal Code of the Russian Federation.

The implementation of effective measures to prevent and eradicate corruption should also be facilitated by normative legal documents developed by the international community, such as the United Nations Convention Against Corruption of October 31, 2003, the Council of Europe Criminal Law Convention on Corruption of January 27, 1999, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of November 21, 1997.

At the same time, considering the state of the fight against corruption-related crimes as negative and at the same time searching for the most effective measures to counteract it, we will refer to the stance of both representatives of the scientific community and practicing lawyers. It is also important in this matter to understand the causes and other factors contributing to the commission of this type of crime, as well as the mechanisms of their functioning and transformation.

In our opinion, one of the reasons for such a negative assessment is the proclaimed course towards liberalization of criminal punishment, which has taken a radically liberal character during the reform of criminal legislation. The significant reduction and for a number of crimes exclusion of lower limits of criminal sanctions, primarily in the form of imprisonment for committing serious and especially serious crimes is negatively perceived both by prominent Russian criminologists (A.I. Alekseev, V.S. Ovchinskii and E.F. Pobegailo) [1, pp. 40–59] and practitioners [3, pp. 110–116].

Thus, it is reasonable to mention publications about the criminal legal impact on persons accused of committing corruption-related crimes, as well as measures taken by the state to counteract them. Among them are well-known Russian criminologists A.I. Dolgova [6], V.V. Luneev [8, p. 20], P.S. Yani [10, p. 58], who criticize "liberalism of judges and call for strengthening criminal sanctions for crimes of this type".

In general, the measures to reform criminal legislation in terms of corruption-related

crimes, which have been mainly radical and liberal in nature over the past two decades, are also criticized [4].

Along with these points of view, scientists argue that "repressive measures against corrupt officials, primarily from among civil servants, should be mentioned last in the fight against corruption" [7, p. 5]. A prominent Russian researcher G.A. Satarov, without denying requirements of a "forceful" war against this type of crime, points to the need to develop and implement a comprehensive or mixed strategy to combat corruption, bearing in mind the use of criminal repression [2, p. 212], which today, from the standpoint of effective fight against corruption, is hardly possible to recognize as sufficient.

At the same time, the author refers to the point of view of S.V. Maksimov [9, p. 77], suggesting a transition from the preferential use of alternative relatively defined sanctions in the construction of legal norms, providing, for example, the appointment of a criminal penalty in the form of imprisonment from 2 months to 15 years (Part 4 of Article 111 of the Criminal Code of the Russian Federation) or a fine of 5 up to 1.5 million rubles (Part 3 of Article 183 of the Criminal Code of the Russian Federation), to the preferential use of alternative absolutely defined sanctions (for example, two-year imprisonment or one-year correctional labor). It would be possible to adopt the position expressed by this author, however, this approach may lead, on the one hand, to limiting differentiation of criminal sanctions, and, on the other, to narrowing the possibilities of judicial discretion within reasonable limits, which the legislator in cases of sentencing by the court provided for in specific norms of criminal law.

Expressing our own position, we refer, first of all, to specific amendments of the criminal law norms regulating liability for the most common types of corruption-related crimes. They have led to ambiguous judicial practice of courts' imposition of criminal penalties for these types of crimes, the size of which is quite comparable to punishments, for example, for theft and similar crimes. Analyzing the amendments made by the legislator, we note that the beginning of this negative process (pseudo-liberalization of criminal legislation) was laid by the adoption of the Federal Law No. 162-FZ of December 8, 2003 "On amendments and additions to the Criminal Code of the Russian Federation", which excluded lower limits of criminal sanctions in the form of imprisonment from a significant number of crimes of small and medium severity. At that time these measures should be recognized as well-founded due to the policy of humanization of criminal liability announced by the state.

However, in subsequent years, in the Federal law No. 280-FZ of December 28, 2008 "On amendments to certain legislative acts of the Russian Federation in connection with the ratification of the United Nations Convention against Corruption of October 31, 2003 and the Criminal Law Convention on Corruption of January 27, 1999 and the Federal law "On combating corruption" the legislator's position on criminal liability liberalization was extended to the categories of grave and especially grave crimes, including such most dangerous types of criminally punishable acts as bribery in its various manifestations.

In this regard, we should mention the Federal law No. 26-FZ of March 7, 2011 "On amendments to the Criminal Code of the Russian Federation", which excluded lower limits of criminal sanctions in the form of imprisonment and a fine from 68 compositions of grave and especially grave crimes, which today constitute two months of imprisonment, respectively, (Part 2 of Article 56 of the Criminal Code of the Russian Federation) and 5 thousand rubles of a fine (Part 2 of Article 46 of the Criminal Code of the Russian Federation), which are quite correlated, for example, with punishments under Article 158.1 of the Criminal Code of the Russian Federation (petty theft), stipulating a penalty of up to 1 year of imprisonment or a fine of up to 40 thousand rubles.

The amendments to the Criminal Code of the Russian Federation made by the federal laws listed above actually unbalanced the judicial practice of sentencing and at the same time unreasonably expanded boundaries of Russian judges' powers, turning, in some cases, the possibilities of judicial discretion in the imposition of criminal punishment into

judicial arbitrariness, examples of which are quite common in practice [5].

The above is clearly confirmed by the analysis of specific criminal sanctions for certain types of corruption-related crimes, as well as statistical data of the Judicial Department at the Supreme Court of the Russian Federation on the penalties imposed by the courts for their commission, referring primarily to such types of corruption acts as giving and receiving bribes, commercial bribery and mediation in their commission, etc.

Thus, the criminal legal sanction provided for in Part 3 of Article 183 of the Criminal Code of the Russian Federation in the form of a fine for illegally obtaining and disclosing information constituting a commercial, tax or banking secret is very characteristic in this regard. We back the increase in the amount of a fine (from 200 thousand to 1.5 million rubles), stipulated by the Federal Law No. 193-FZ of June 29, 2015 "On amendments to Article 183 of the Criminal Code of the Russian Federation". At the same time, the legislator does not indicate its lower limit; it does not contribute to the formation of a unified judicial practice and in fact often leads to impunity for crimes of this type. So, the citizen K. was imposed a fine of 150 thousand rubles by the verdict of the Kuibyshevskii District Court of the city of Omsk for committing 20 episodes of criminal activity against the bank's clients, each qualified under Part 3 of Article 183 of the Criminal Code of the Russian Federation. However, he was imposed a fine of 100 thousand rubles for each episode of criminal activity. Thus, the court made a significant deviation from the rule of sentencing established in Part 2 of Article 69 of the Criminal Code of the Russian Federation for a combination of crimes, providing for their addition in the amount not exceeding one and a half times the size of the punishment for the most serious crime. Proceeding from the sanction laid down in this criminal law norm and by virtue of the indicated principle of cumulative sentence, the fine of up to 2 million 250 thousand rubles could be imposed, which clearly does not correlate with the inflicted penalty of 150 thousand rubles.

At the same time, the sanction of Part 3 of Article 183 of the Criminal Code of the Russian Federation provides for imprisonment of up to five years without specifying the lower limit, which also generates heterogeneous judicial practice. Thus, according to the verdict of the Krasnoarmeyskii District Court of the city of Volgograd, the citizen M. was convicted under Part 3 of Article 183 of the Criminal Code of the Russian Federation to 1 year and 6 months of imprisonment and received a conditional sentence under Article 73 of the Criminal Code of the Russian. According to the verdict of the Oktyabrskii District Court of the city of Saint Petersburg, the citizen Sinitsyn was also conditionally sentenced to 6 months of imprisonment for committing a crime of a similar qualification. The situation is similar with the criminal law sanction stipulated by Part 4 of Article 183 of the Criminal Code of the Russian Federation. Though we might agree with the reduction in the term of imprisonment from ten to seven years, defined by the Federal Law of December 7, 2011 No. 420, its lower limit, as in a number of other criminal law sanctions, is not specified by the legislator.

As a consequence of such judicial practice, out of 79 convicted in the period from 2018 to the first half of 2021, according to the statistics of the Judicial Department at the Supreme Court of the Russian Federation, no one was convicted of these crimes, although the sanction under Part 3 of Article 183 of the Criminal Code provides for imprisonment of up to 5 years, and according to Part 4 of this article – up to 7 years of imprisonment. In turn, approximately every third person was sentenced to a fine in 2018–2019, every second in 2020 and every fifth in the first half of 2021 (Table 1).

Table 1

Data on the number of the convicted under parts 3 and 4 of Article 183 of the Criminal Code of the Russian Federation[1]

	2018		2019		2020		first half of 2021	
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*
Article	Part 3 of Art. 183	Part 4 of Art. 183	Part 3 of Art. 183	Part 4 of Art. 183	Part 3 of Art. 183	Part 4 of Art. 183	Part 3 of Art. 183	Part 4 of Art. 183

[1] Statistical data of the Judicial Department at the Supreme Court of the Russian Federation are given here and further in the text.

1	2	3	4	5	6	7	8	9
Sentenced (total)	13	2	32	–	22	–	10	0
of them to imprisonment	0	0	0	–	0	–	0	0
a fine	4	0	9	–	11	–	2	0

Besides, it is worth mentioning that the introduction of Article 200.5 in the Criminal Code of the Russian Federation by the Federal Law No. 99-FZ of April 23, 2018 "On amendments to the Criminal Code of the Russian Federation and Article 151 of the Criminal Procedural Code of the Russian Federation", establishing liability for bribery of a contract service employee, contract manager, member of the procurement commission, in general should be assessed as a real measure of the legislator to combat corruption. However, the statistics on the number of convicts shows that it cannot really affect perpetrators of crimes of this type, and, accordingly, prevent these crimes, although they cause significant damage to the state's economic activity.

Table 2

Data on the number of the convicted under Article 200.5 of the Criminal Code of the Russian Federation

	2019	2020			1 half of 2021	
Article	Part 2 of Art. 200.5	Part 1 of Art. 200.5	Part 5 of Art. 200.5	Part 6 of Art. 200.5	Part 5 of Art. 200.5	Part 6 of Art. 200.5
Sentenced (total)	1	1	2	1	2	1
of them to imprisonment	0	0	0	0	0	0
a fine	1	1	0	0	0	0

At the same time, we would emphasize that the legislator accepted critical statements and set sufficiently high fines for certain corruption-related crimes and identified lower limits of the penalty. Thus, Part 1 of Article 200.5 of the Criminal Code of the Russian Federation stipulates a fine in the amount of 300 to 500 thousand rubles, Part 2 – from 500 thousand to 1 million rubles, in Part 3 – from 1 to 2 million rubles, etc.

Or, for example, reacting to criticism regarding radical liberal policy on the issue of criminal sanctions for corruption-related crimes, the legislator, having enacted the Federal Law No. 324-FZ of July 3, 2016 "On amendments to the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation", established an imprisonment term of 3–7 years in Part 3 of Article 204 of the Criminal Code of the Russian Federation. However, in 2020 under Part 3 of Article 204 of the Criminal Code of the Russian Federation only one person of the 33 defendants was sentenced to real imprisonment. As for 97 persons convicted under parts 4, 7 and 8 of Article 204 of the Criminal Code of the Russian Federation, belonging to the category of grave and especially grave crimes with the lower limits of 4, 5 and 7 years of imprisonment, respectively, 18 people were sentenced to real imprisonment (Table 3).

Table 3

Data on the number of persons convicted in 2020 for commercial bribery committed in the presence of qualifying factors

	Article 204 of the Criminal Code of the Russian Federation			
	Part 3	Part 4	Part 7	Part 8
Sentenced (total)	33	5	80	12
Of them to imprisonment	1	1	13	4
A fine	12	1	25	4
In %	36.3	20.0	31.2	33.3

Table 4

Data on the number of persons convicted of commercial bribery committed in the presence of qualifying factors (January–June 2021)

	Article 204 of the Criminal Code of the Russian Federation							
	Part 1	Part 2	Part 3	Part 4	Part 5	Part 6	Part 7	Part 8
Sentenced (total)	3	11	28	1	1	13	36	14
Of them to imprisonment	0	0	2	0	0	1	6	4
A fine	2	6	13	1	1	5	6	2
In %	66.7	54.5	46.4	100.0	100.0	38.5	16.7	14.3

The above statistics (Table 4) demonstrates that in the first half of 2021, out of 50 persons convicted under parts 7 and 8 of Article 204 of the Criminal Code of the Russian Federation, only one in five was sentenced to real imprisonment, although the lower limits of criminal sanctions for these types of crimes presuppose 5 and 7 years of imprisonment.

At the same time, in relation to a significant part of those convicted under parts 3, 4, 7 and 8 of Article 204 of the Criminal Code of the Russian Federation, the main punishment was imposed in the form of a fine. At the same time, although its size is very significant (under Part 3– up to 1.5 million, Part 4 – from 1 to 2 million, Part 7 – from 1 to 3 million and Part 8 – from 2 to 5 million rubles), the penalties imposed by the courts, as a rule, are many times lower specified sanctions.

Thus, according to the verdict of the Levoberezhnii District Court of the city of Lipetsk of October 13, 2017, for the commission of 9 crimes, each qualified under paragraph "v" of Part 7 of Article 204 of the Criminal Code of the Russian Federation, the citizen S. was sentenced a fine of 420 thousand rubles for each of them with a sanction from 1 to 3 million rubles. The final punishment with the application of Part 3 of Article 69 of the Criminal Code of the Russian Federation was imposed in the form of a fine of 500 thousand rubles, although it could have comprised 3 million 780 thousand rubles.

Significant damage to the prestige of the Russian criminal law is caused by the abovementioned situation with criminal sanctions for crimes related to giving and receiving bribes and mediation in bribery. One of the main reasons for the current situation is, according to the author of the publication, both due to the absence of lower limits of penalties in the form of imprisonment and a fine in a number of criminal law norms, and due to the wide range of these types of punishments.

The Judicial Department's statistics on the imposition of punishment for bribery negatively characterize the situation with the imposition of punishment for bribery, which causes a negative resonance in Russian society (Table 5).

Table 5

Data on those convicted of taking a bribe, committed in the presence of qualifying factors (Article 290 of the Criminal Code of the Russian Federation)

	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Sentenced (total)	1,088	949	1,197	1,017	1,041	447	459	462	373	269	1,423	1,428
Of them to imprisonment	436	364	538	446	454	254	242	230	122	69	234	385
In %	40.1	38.4	44.9	43.8	43.6	56.8	52.7	49.8	32.7	26.5	16.4	27.0
A fine	241	224	271	262	285	129	132	157	178	125	–	–
In %	22.2	23.6	22.6	25.7	27.4	28.9	28.6	34.0	47.7	46.5	–	–

So, up to 2012, no more than a quarter of the number of convicts was sentenced to real imprisonment annually for bribe-taking, belonging to the category of grave and especially grave crimes.

The fine for bribe-taking calculated in the amount of 30 to 100 times the value of the object or amount of the bribe (depending on qualifying signs of this crime), introduced by the Federal Law No. 97-FZ of May 4, 2011

"On amendments to the Criminal Code of the Russian Federation and the Code of Administrative Offences of the Russian Federation in connection with the improvement of public administration in the field of combating corruption", caused an 47–48% increase in the number of people sentenced to this penalty in 2012–2013. However, since 2015, due to actual discrediting of the appointment of a multiple fine for receiving a bribe (the actual recoverability does not exceed 15%), the use of this type of punishment significantly decreased, amounting to only 22–25% in 2018–2021. At the same time, the number of people sentenced to real imprisonment for this type of crime increased to 56.8% in 2016, but in 2020–2021 their share decreased again, amounting to 38.4% and 40.1%, respectively.

The negative situation, according to the author, has developed with the imposition of punishment for bribery in the form of imprisonment, even if there are qualifying signs that increase the public danger of a crime to the category of grave or especially grave (Table 6).

Table 6

Data on those convicted of bribery committed in the presence of qualifying factors (Article 291 of the Criminal Code of the Russian Federation)

	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Sentenced (total)	1,658	1,409	1,343	1,151	997	3,266	4,907	4,302	2,539	1,467	1,587	2,907
Of them to imprisonment	217	191	225	241	237	469	513	478	227	-	191	294
In %	13.1	13.6	16.8	20.9	23.8	14.4	10.5	11.1	8.9	-	12.0	10.1
A fine	756	540	615	512	457	2,439	3,902	3,513	2,093	387	622	1,032
In %	46.6	38.3	45.8	44.4	45.8	74.7	79.5	81.6	82.4	82.7	38.9	35.5

The analysis of statistical data testifies to the heterogeneous judicial practice of applying criminal law measures for bribery. With the introduction of the multiplicity of fines in 2011, this measure of punishment was imposed by the courts in relation to 74.7–82.4% of convicts in 2012–2016 and, accordingly, the number of those sentenced to real imprisonment was only 9–11% in 2013–2015.

However, since 2017, due to actual discrediting of the appointment of a multiple fine for bribe-taking, the use of this type of punishment for bribe-giving significantly declined, amounting to 38–46% in 2017–2021. At the same time, the number of people sentenced to real imprisonment for this type of crime increased to 23.8% in 2017, but their share began to decline again in subsequent years, amounting in 2020–2021 to 13.6% and 13.1%, respectively.

The verdict of the Fokinskii District Court of the city of Bryansk (No. 1-123/2020 of April 29, 2020 in case No. 1-123/2020) is a good example. The citizen B. was found guilty of committing a crime under Part 3 of Article 291 of the Criminal Code of the Russian Federation for bribing an official to commit knowingly illegal actions, and sentenced a fine of one 150 thousand rubles with the sanction of one to two million rubles.

The analysis of statistical data on the number of those convicted of mediation in bribery under qualifying circumstances for actual imprisonment indicates that it (27% in 2020 and 22.6% in 2021) is more than twice the number of those convicted of bribe-giving (13.6% in 2020 and 10.6% in 2021), which hardly reflects, in our opinion, the real public danger of these acts and may indicate some "distortion" of judicial practice (Table 7).

Table 7

Data on those convicted of mediation in bribery committed in the presence of qualifying factors (Article 291.1 of the Criminal Code of the Russian Federation)

	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Sentenced (total)	291	215	253	257	213	165	127	119	108	48
Of them to imprisonment	66	58	87	73	78	47	49	32	8	1
In %	22.6	27.0	34.4	28.4	36.6	28.5	38.6	26.9	7.4	2.0
A fine	73	55	69	86	56	67	43	48	68	38
In %	25.0	25.6	27.3	33.4	26.3	40.6	33.9	40.3	63.0	79.2

The statistical analysis shows that in the first years of the operation of Article 291.1 of the Criminal Code of the Russian Federation, a fine was applied quite often: against 79.2% of the convicted in 2012 and 63.0% in 2013. However, in subsequent years, this indicator significantly decreased, amounting to 25.6% and 25.0% of the total number of the convicted for this type of criminal activity in 2020–2021, respectively.

The situation is almost similar when sentencing for mediation in commercial bribery provided for in Article 204.1 of the Criminal Code of the Russian Federation (as amended by the Federal Law No. 324-FZ of July 3, 2016).

The above statistics show that the commission of this crime is mainly punished by a fine, in particular more than half (20 citizens) of 37 persons were convicted by the courts in the period 2018 – 1st half of 2021. At the same time, only two or 5% of all the defendants were sentenced to real imprisonment under Part 3 of Article 204.1 of the Criminal Code of the Russian Federation, although the legislator in the sanctions of the criminal law norm established a penalty of imprisonment in Part 1 – up to 2 years, Part 2 – up to 5 years, Part 3 – 3–7 years and Part 4 – up to 4 years (Table 8).

Table 8

Data on those convicted of mediation in commercial bribery (Article 204.1 of the Criminal Code of the Russian Federation)

	2018			2019			2020			1 half of 2021		
Part of Article 204.1	1	2	3	2	3	4	1	2	3	1	2	3
Convicted (total)	2	6	4	8	3	2	1	3	2	1	2	3
Of them to imprisonment	0	0	1	0	0	0	0	0	0	0	0	1
A fine	1	3	2	6	1	1	0	1	2	0	1	2

Thus, based on the presented data, it is possible to come to a conclusion about the unreasonably wide application of a suspended sentence for such types of crimes as giving and receiving bribes and other types of illegal remuneration, which is often perceived not as one of the forms of paying tribute to corrupt officials, but as an opportunity to avoid actual and often very long imprisonment, and the above examples strengthen such confidence. Punitive capacities of sanctions for the commission of these types of illegal acts are not realized in full, although the situation has changed somewhat in recent years. In this regard, examples from judicial practice are indicative, reflecting the decisions taken on criminal cases initiated against heads of Russian regions.

Thus, the former governor of the Sakhalin Oblast A. Khoroshavin was found guilty under Part 6 of Article 290 of the Criminal Code of the Russian Federation and Article 174.1 of the Criminal Code of the Russian Federation and sentenced to a 13-year imprisonment and a fine. The former governor of the Kirov Oblast N. Belykh was convicted under Part 6 of Article 290 of the Criminal Code of the Russian Federation to 8 years of imprisonment and a fine. The former head of the Udmurt Republic A. Solov'ev was convicted under Part 6 of Article 290 of the Criminal Code of the Russian Federation for two episodes of receiving bribes totaling 139 million rubles and sentenced to 9 years in prison and a fine. In relation to the heads of law enforcement agencies, sentences are also imposed with the appointment of real terms of imprisonment for committing corruption crimes.

Taking into account the factors listed in this publication, which play a very negative role in countering corruption by the state and its law enforcement and judicial authorities, including its most dangerous manifestations in such forms as bribery, commercial bribery and mediation in their commission, as well as other types of illegal remuneration, the author's position is that that limits of criminal law sanctions and rules for their application by the court should be scientifically sound and quite visible both for specialists in the criminal law sphere, citizens and, accordingly, Russian society. A suspended sentence to imprisonment for corruption-related crimes, including particularly serious crimes, is unacceptable, since this violates the criminal law principles of justice, legality and equality of citizens before the law and the court. At the same time, the phenomenon described in this publica-

tion with a high degree of evidence carries the corruption component of the criminal law itself, one of the tasks of which is to combat corruption manifestations.

Another conclusion is that the amendments introduced by the legislator to the criminal law should be scientifically and criminologically substantiated and take into account the state of law enforcement practice. They should focus on manifesting humanism towards persons who have committed a criminally punishable act for a number of reasons and thereby reducing the level of criminal repression on the part of the state, as repeatedly stated by the President of the Russian Federation V.V. Putin and proposed to implement through the draft federal law prepared by the Ministry of Justice of the Russian Federation regarding decriminalization of certain criminal law norms providing for liability for a number of crimes related to the conduct of entrepreneurial activity, as well as raising threshold values of the amount of damage caused by the crime.

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