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## Application Techniques for Legal Norms with Special Corpus Delicti: Current State and Improvement Pathways

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### Abstract

*Introduction:* the special corpus delicti can be considered a terra incognita of modern criminal law science. To date, there remains a substantial lack of research concerning its nature, types, significance, and issues of legislative regulation. Another gap in the criminal law theory is the methodology for applying norms with a special corpus delicti, which constitutes the focus of this article. *Purpose:* to identify typical errors in the application of norms with a special corpus delicti and to develop proposals for their minimization. *Methods:* analysis, synthesis, system-structural, formal-legal, historical-legal, comparative-legal methods, along with theoretical methods of formal and dialectical logic. *Results:* key qualification drawbacks committed when applying norms with a special corpus delicti are identified; propositions regarding the correlation between features of general and special corpus delicti are developed; and criminal law constructs of special corpus delicti present in the Criminal Code of the Russian Federation are presented. *Conclusions:* despite the legislatively established rule for applying special criminal law norms, the technique of applying norms with a special corpus delicti has serious flaws. These stem from incorrect understanding of their nature and essence, leading to over-qualification, incorrect determination of the relationship between different corpora delicti, and the use of an erroneous qualification algorithm. The proposed propositions regarding the correlation of features of general and special corpora delicti demonstrate the distinctive characteristics of the special corpus delicti compared to the general one. This facilitates its identification and the establishment of a correct type of relationship with the general corpus delicti, thereby contributing to the reduction of drawbacks in the law enforcement technique for norms with a special corpus delicti.

**Key words:** corpus delicti; special corpus delicti; law enforcement technique; qualification; qualification errors; criminal law construct.

### 5.1.4. Criminal law sciences.

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Law enforcement technique primarily involves the application of law. Concerning criminal law, A.V. Naumov defined law application as an activity “aimed at resolving the issue of

criminal liability and punishment of a person who has committed a crime, or establishing the lawfulness of a person’s conduct and releasing him from criminal liability and punishment” [1,

p. 12]. We back the point of view of T.V. Yalovenko that law application serves as an intermediary between the normative entrenchment of human rights and their practical realization [2, p. 27].

One of the most crucial aspects of law application is the qualification of crimes. Qualification [3, p. 5] entails establishing the correspondence between the act in question and the corpus delicti described in the law [4, p. 4]. Similar definitions of qualification are provided by scholars such as A.A. Herzenzon [5, p. 4], A.A. Piontkovskii, and V.D. Men'shagin [6, p. 104]. N.F. Kuznetsova notes that crime qualification is the establishment of correlation between the corpus delicti of a socially dangerous act and the corpus delicti provided for by a criminal law norm [7, p. 17]. The definition proposed by V.N. Kudryavtsev can be considered classical. Having analyzed scholarly works, he concludes that qualification is the establishment and legal fixation of correlation between signs of the committed act and constituent elements of the crime provided for by a criminal law norm [8, p. 5].

To minimize qualification drawbacks, Part 3 of Article 17 of the Criminal Code of the Russian Federation establishes basic rules for law enforcers to follow in case of a conflict between general and special norms. First, such norms cannot constitute an aggregate of crimes, and second, the conflict between a general and a special norm must be resolved in favor of the latter. Before proceeding further, it is essential to clarify that "in correlating the corpus delicti and the structure of a criminal law norm, the corpus delicti corresponds to its disposition" [9, p. 216]. Therefore, although Part 3 of Article 17 of the Criminal Code of the Russian Federation refers to a broader concept than the general and special corpus delicti, they are subject to the same qualification rules.

A special corpus delicti is a legislative construct established to exclude or differentiate criminal responsibility compared to the responsibility for the general (original) corpus delicti. It is enshrined in a separate article of the Special part and is formed by specifying one or several features of the general corpus delicti (with the exception of privileged corpora delicti). Furthermore, all features of the special corpus de-

lict are fully encompassed by the general corpus delicti.

It is noteworthy that legislative shortcomings in constructing special corpora delicti can lead to the general and special corpus delicti being enshrined within the same article of the Special part, as, for example, the inclusion of a special corpus delicti in the disposition of parts 5–7 of Article 159 of the Criminal Code of the Russian Federation. We believe that such legislative shortcomings result from insufficient attention to the issues of legal technique concerning the special corpus delicti. Consequently, they should not influence the approach to understanding the special corpus delicti, the study of which could prevent such deficiencies.

The analysis of judicial practice reveals that the technique of applying legal norms with a special corpus delicti remains imperfect.

The first drawback involves over-qualification, where the law enforcer qualifies a single act under the aggregate of crimes provided for by general and special corpus delicti, contravening the Roman law principle "non bis in idem". This principle is enshrined in Article 6 of the Criminal Code of the Russian Federation, in particular, no one can be held criminally liable twice for the same crime. As B.V. Sidorov correctly notes, the concept of justice should underpin criminal law, where "the unjust component particularly painfully affects the fates of people involved in the criminal process" [10, p. 190]. Undoubtedly, over-qualification leads to an unjustifiably harsher punishment than prescribed by criminal law.

For instance, B. was found guilty of crimes under clauses "a", "b" of Part 3 of Article 286 and Part 2 of Article 302 of the Criminal Code of the Russian Federation and sentenced to 3 years and 6 months of imprisonment in a general regime correctional facility. *While working as a senior operational officer, B., at his workplace, around 15:00, had coerced the accused into giving testimony regarding the murder of M., including striking the accused several times in various parts of the body.*

However, the Presidium of the Supreme Court of the Russian Federation pointed out the violation of Part 3 of Article 17 of the Criminal Code of the Russian Federation by the lower courts in its ruling No. 60-P02 of March 13, 2002. This violation consisted of simultane-

ously imputing both the general and special corpus delicti. Consequently, the reference to Article 286 of the Criminal Code of the Russian Federation (defining the general corpus delicti) was excluded from the charges, and the assigned punishment was reduced to 2 years of imprisonment in a general regime correctional facility. In this case, correcting the qualification mistake of excessive inculpation led to a 1.75-fold reduction in the sentence term.

We posit that the qualification drawback by the lower courts was due to the general corpus delicti being constructed as material, while the special one was formal. Accordingly, the courts might erroneously conclude that the occurrence of consequences in terms of significant violation of citizens' rights and legitimate interests requires qualification under the aggregate of crimes. In reality, the general corpus delicti can be constructed in analogy with material, while the special one – formal.

Avoiding this qualification error is only possible if the law enforcer possesses necessary skills and knowledge and understands the nature and essence of the special corpus delicti.

The law enforcer's next task is to establish correct relationship between the corpora delicti. A qualification drawback at this stage may involve imputing the general corpus delicti when the crime actually falls under the features of the special corpus delicti, leading to an unjust punishment.

For example, Z. and the victim loaded a car with a trailer with wood. Subsequently, Z., violating traffic rules, lost control and caused the vehicle to overturn, resulting in serious harm to the victim's health. As stated in the appellate resolution of the Zhigalovsky District Court of the Irkutsk Oblast of May 13, 2024, in case No. 10-2/2024, the inquiry body erroneously qualified Z.'s actions under Part 1 of Article 118 of the Criminal Code of the Russian Federation (causing serious harm to health through negligence). However, the committed crime actually fell under the special corpus delicti described in Part 1 of Article 264 of the Criminal Code of the Russian Federation.

This example illustrates risks of neglecting the rules granting priority to the special corpus delicti over the general one. In the special corpus delicti, compared to the general one, an additional object of the crime appears – safe

conditions for road traffic and vehicle operation (the main object). The increase in the number of harmed objects elevates public danger of the act, corresponding to stricter punishment. Erroneous qualification violates the principle of justice, infringes upon the victim's rights, and undermines the authority of the judiciary and law enforcement agencies.

Furthermore, it is crucial not only to establish the relationship between the corpora delicti as general and special but also to understand the reason for this connection. For instance, in the appellate determination of October 3, 2024, in case No. 10-19843/24, the Judicial Collegium for Criminal Cases of the Moscow City Court, while reviewing an appeal against M.'s conviction, refuted the defense's argument about applying Part 3 of Article 17 of the Criminal Code by stating that the object of the crime under Article 226.1 of the Criminal Code of the Russian Federation is public safety (Chapter 24 of the Criminal Procedure Code of the Russian Federation), while the object of the crime under Article 234 of Part 3 of the Criminal Code of the Russian Federation is public health and public morality (Chapter 25 of the Criminal Procedure Code of the Russian Federation).

This argument, in our view, is flawed as it fails to indicate that the objective side of the corpus delicti under Article 226.1 of the Criminal Code of the Russian Federation involves a violation of highly specialized rules for moving items across the border, and does not constitute a specified method of illicit trafficking, for which liability is provided under Article 234 of the Criminal Code of the Russian Federation.

Hence, the most typical qualification drawbacks when applying norms with a special corpus delicti are: 1) over-qualification; 2) violation of the priority of the special corpus delicti over the general one; 3) incorrect or incomplete establishment of the correlation between elements of the general and special corpus delicti.

To minimize these falws in law enforcement technique, it is essential to comprehend how the features of the general and special corpus delicti correlate. For this purpose, we propose the following theses on the correlation of elements of the general and special corpus delicti:

1) Objects of the general and special corpus delicti either coincide, or the main object of the

general corpus delicti becomes an additional object of the special corpus delicti.

2) Features of the objective side of the general and special corpus delicti either coincide, or the construct of the special corpus delicti includes facultative elements of the objective side that are mandatory for this corpus delicti.

3) Features of the subject of the general and special corpus delicti either coincide, or the construct of the special corpus delicti includes additional elements of the subject that are mandatory for this corpus delicti.

4) Features of the subjective side of the general and special corpus delicti either coincide, or the construct of the special corpus delicti includes facultative elements that are mandatory for this corpus delicti. A change in the form of guilt is inadmissible.

These proposed theses require justification.

Specification of a direct object of the general corpus delicti is not literal. The main object of the general corpus delicti becomes an additional object of the special corpus delicti. That is, almost always in the special corpus delicti, the number of objects harmed by the committed act increases compared to the general corpus delicti. This determines their placement in different chapters or sections of the Special part of the Criminal Code of the Russian Federation. Objects of the general and special corpus delicti hardly ever coincide, as, for example, in the general corpus delicti under Article 285 of the Criminal Code of the Russian Federation and the special one under Article 285.4 of the Criminal Code of the Russian Federation.

In other cases, the corpora delicti are not related as general and special. Therefore, for instance, the corpora delicti of the "organization" under Articles 209 and 210 of the Criminal Code of the Russian Federation are not special corpora delicti in relation to the corpora delicti of specific crimes with reference to Part 3 of Article 33 of the Criminal Code of the Russian Federation, because their direct objects differ. This is reflected in Paragraph 13 of the resolution of the Plenum of the Supreme Court of the Russian Federation No. 1 of January 17, 1997 "On court practice in applying legislation on liability for banditry", which instructs courts to apply the provisions on the aggregate of crimes when gang members commit criminal acts constituting independent corpora delicti.

Constructing a special corpus delicti in the absence of specifying elements of the objective side of the general corpus delicti is an exception and unique. An example is the special corpus delicti under Article 206 of the Criminal Code of the Russian Federation, derived from the general corpus delicti outlined in Article 127 of the Criminal Code of the Russian Federation.

Possible correlation of socially dangerous consequences between the general and special corpus delicti is a more complex issue. Can the reference to consequences be absent in the disposition of the norm containing the general corpus delicti and be present in the disposition of the norm containing the special corpus delicti, and vice versa? What are the boundaries for expanding or narrowing them?

This problem was studied by A.B. Shakin, who identified the following correlation models: "1) a general norm with a material corpus delicti and a special norm with a material corpus delicti (Part 1 of Article 111 and Part 2 of Article 111 of the Criminal Code of the Russian Federation); 2) a general norm with a formal corpus delicti and a special norm with a formal corpus delicti (Part 1 of Article 129 and Part 1 of Article 298 of the Criminal Code of the Russian Federation); 3) a general norm with a formal corpus delicti and a special norm with a material corpus delicti (Part 1 of Article 341 and Part 2 of Article 341 of the Criminal Code of the Russian Federation); 4) a general norm with a material corpus delicti and a special norm with a formal corpus delicti (Article 285 and Article 292 of the Criminal Code of the Russian Federation)" [11, pp. 133–134]. According to the researcher, in the fourth model, where the general norm includes the occurrence of specific consequences and the special one does not, the nature of interaction as general and special is lost, competition does not arise, and qualification follows the rules of ideal concurrence.

However, this position is not entirely unambiguous. For example, the disposition of Part 1 of Article 286 of the Criminal Code of the Russian Federation mandates the occurrence of consequences – a significant violation of the rights and legitimate interests of citizens or organizations, or legally protected interests of society or the state (i.e., violation of the rights and freedoms guaranteed by international law and the Constitution of the Russian Federation).



The maximum penalty for this crime is 4-year imprisonment. In contrast, the disposition of Part 1 of Article 299 of the Criminal Code of the Russian Federation does not mention consequences, although obviously, prosecuting a knowingly innocent person inherently entails a significant violation of the rights and interests, reflected in the sanction of up to seven years of imprisonment. Moreover, the *corpus delicti* in Part 1 of Article 299 of the Criminal Code of the Russian Federation is special relative to that in Part 1 of Article 286 of the Criminal Code of the Russian Federation. A.V. Ivanchin states, “The material approach is necessary when indicating consequences is essential for establishing public danger of the prohibited conduct; whereas for acts entailing non-material consequences, the latter almost invariably serve as an attribute of the act itself” [12, p. 242].

Indeed, in some cases, when there is no significant violation of the rights and legitimate interests, an official’s abuse of authority constitutes merely a disciplinary offense due to insufficient public danger. Therefore, including the requirement for mandatory consequences in the disposition of Part 1 of Article 286 of the Criminal Code of the Russian Federation is justified. In contrast, criminal acts specified, for example, in Article 290, Part 1 of Article 299, 300, and 305 of the Criminal Code of the Russian Federation, always entail the consequences outlined in the dispositions of Part 1 of Article 285 or Part 1 of Article 286 of the Criminal Code of the Russian Federation. Thus, it can be concluded that the correlation of a material and formal *corpus delicti* as general and special, respectively, is possible when the occurrence of consequences in the special *corpus delicti* is essentially an attribute of the act, implied in any case.

Considering our stance on excluding qualified (aggravated) and privileged (mitigating) *corpora delicti* from the category of special *corpora delicti*, the most debatable is not the fourth, but the third variant of A.B. Shakin’s model: a general norm with a formal and a special norm with a material *corpus delicti*. An example is Article 159 of the Criminal Code of the Russian Federation (general *corpus delicti*), whose disposition includes two types of acts: property theft and acquisition of rights to another’s property, thus

constituting a formal-material *corpus delicti*. The special *corpus delicti* relative to it, under Article 159.2 of the Criminal Code of the Russian Federation, does not include the act of acquiring rights to another’s property and is constructed as material. A.V. Ivanchin rightly noted that the legislator’s choice of this construct for the special type of fraud “significantly weakened the fight against fraud in various spheres” [12, p. 205]. Specifically, he cited an example of fraudulently obtaining a maternity capital certificate. Before the introduction of the special *corpus delicti*, this was qualified under Article 159 of the Criminal Code of the Russian Federation as a completed act. However, considering the special *corpus delicti*, it can only be qualified as an attempt to commit fraud in receiving payments [12, pp. 204–205]. Thus, constructing a special material *corpus delicti* relative to a general formal one is undesirable.

The two remaining variants represent simple correlations and are used in constructing special *corpora delicti*. An example of the first variant is Part 3 of Article 109 (general material *corpus delicti*) and Part 3 of Article 143 of the Criminal Code of the Russian Federation (special material *corpus delicti*). An example of the second is Part 1 of Article 127 (general formal *corpus delicti*) and Part 1 of Article 206 of the Criminal Code of the Russian Federation (special formal *corpus delicti*).

The next element of any *corpus delicti* is the subject of the crime. Its mandatory elements are defined in Article 19 of the Criminal Code of the Russian Federation: sanity and reaching the age of criminal liability. In the special *corpus delicti*, if elements of the subject are specified, additional signs are included alongside the universally mandatory ones, narrowing the circle of potential perpetrators defined by the general *corpus delicti*.

The subjective side of the *corpus delicti* constitutes the person’s mental attitude towards the committed socially dangerous action or inaction and its consequences. Based on the proposed understanding of the special *corpus delicti*, it can be concluded that the features of the general *corpus delicti* can be specified in the special *corpus delicti* but not altered in their essence. This means the general and special *corpus delicti* cannot have different forms of guilt (intent/negligence). However, the sub-

jective side of the special corpus delicti can be specified by indicating the motive or purpose of the crime.

We believe that the use of the aforementioned theses on the correlation of elements of the general and special corpus delicti is one of the directions for minimizing drawbacks in law enforcement technique.

Let us consider how this correlation manifests not just in theory, but within existing criminal law constructs.

To identify possible criminal law constructs of the special corpus delicti, we take the legal construct of the general corpus delicti as our basis:

1. General corpus delicti = O + OS + S + SS,

Where O is an object of the crime, OS – an objective side, S – a subject, and SS – a subjective side.

It is worth mentioning that even though elements within the general corpus delicti can be specified, its legal construct remains the benchmark and starting point for comparison. For instance, if the general corpus delicti includes a special subject, the special corpus delicti will contain either the same special subject without further specification or a more special subject with additional specifications.

Considering the above, the legal construct of a special corpus delicti can appear as follows:

1. Special corpus delicti = Oa + OSa + Sa + SS, where “a” is an additional sign specifying the element of the general corpus delicti from which the special one is derived. Thus, here the special corpus delicti has the following legal construct in relation to the general one: Oa – the main object of the general corpus delicti becomes an additional object of the special one, while the main object of the special corpus delicti is a different group of protected social relations; OSa – the construct includes facultative elements of the objective side that are mandatory for this corpus delicti, specifying either the criminal act itself or its resulting consequences; Sa – the construct of the special corpus delicti includes additional elements of the subject, mandatory for this corpus delicti; SS – elements of the subjective side of the general and special corpus delicti coincide.

For example, the corpus delicti under Part 1 of Article 109 of the Criminal Code of the Russian Federation (causing death by negligence)

is general relative to the corpus delicti under Part 3 of Article 264 of the Criminal Code of the Russian Federation (violation of traffic rules resulting in death by negligence).

The construct of the special corpus delicti under Part 3 of Article 264 of the Criminal Code of the Russian Federation is the following: Oa – safety of road traffic and vehicle operation (main object) and human life (additional object); OSa – not any act causing death by negligence, but only one involving violation of traffic rules or vehicle operation; Sa – a sane person who has reached the age of criminal responsibility, operating a car, tram, or other mechanical vehicle (considering explanations from the Supreme Court Plenum resolution No. 25 of December 9, 2008); SS – no specifications; identical to the subjective side of the general corpus delicti.

2. Special corpus delicti = Oa + OSa + S + SSa.

This construct's existence can be justified by considering articles 137 and 155 of the Criminal Code of the Russian Federation. These articles contain corpora delicti with alternative features, leading to partially general and partially special corpora delicti within the criminal law. Competition between them arises only when all mandatory elements and one of the alternative elements are established.

For instance, the disposition of Article 137 of the Criminal Code of the Russian Federation contains alternative features related to an object of the crime, a socially dangerous act, and a method of its commission concerning the dissemination of private life information. The disposition of Article 155 of the Criminal Code of the Russian Federation includes alternative features of the subject and motive. For the corpus delicti under Article 137 to be present, it suffices to establish all mandatory elements and the following alternative features: illegal dissemination of information about a person's private life constituting a family secret without consent. The disposition of Article 155 of the Criminal Code of the Russian Federation stipulates that the special subject acts as an alternative to the general one [13, p. 65]. Accordingly, if the act is committed by a general subject, competition arises between the general corpus delicti (illegal dissemination of private family secrets without consent) and the special one (disclosure of adoption secrets

contrary to the adopter's will, committed by another person motivated by mercenary or base motives).

According to the proposed construct, the special corpus delicti with its specifying elements looks like this:  $O_a$  – legally protected interests of the family and normal formation/development of the child's personality (main object), while the constitutional right to privacy becomes an additional object;  $OS_a$  – illegal dissemination of the secret of adoption specifically;  $S$  – no specifications; identical to the subject of the general corpus delicti (general subject);  $SS_a$  – besides intent, mercenary or base motives become mandatory.

3. Special corpus delicti =  $O + OS_a + S + SS$ .

Constructing a special corpus delicti, where only the objective side changes, is generally undesirable. It can lead to excessively casuistic legal formulations and associated shortcomings in the criminal law. Nevertheless, such special corpora delicti exist today. A prominent example criticized by scholars and practitioners is some special corpora delicti of fraud. For instance, consider the pair in Part 1 of Article 159 and Part 1 of Article 159.3 of the Criminal Code of the Russian Federation. Here, only the objective side changes, narrowed by specifying the objective side of the general corpus delicti.

4. Special corpus delicti =  $O_a + OS + S + SS_a$ .

Constructing a special corpus delicti, where elements of the subjective side are so significant that the perpetrator's purpose or motive increases the number of objects harmed by the criminal act, while the objective side elements remain identical to the general corpus delicti, are rarely specified. Such constructs are associated with, for example, terrorism-related crimes. Part 1 of Article 127 of the Criminal Code of the Russian Federation contains the general corpus delicti for illegal deprivation of liberty (unrelated to abduction). However, if this act is committed to compel the state, organization, or citizen to act or refrain from acting as a condition for releasing the detained person (i.e., a hostage), it must be qualified under the special corpus delicti in Part 1 of Article 206 of the Criminal Code of the Russian Federation (hostage-taking). This significant change in purpose alters the object of the crime: the main object becomes public safety, while social rela-

tions protecting individual freedom, honor, and dignity become additional.

5. Special corpus delicti =  $O_a + OS_a + S_a + SS_a$ .

The Criminal Code of the Russian Federation contains special corpora delicti where all four elements of the general corpus delicti are specified. For example, the general corpus delicti is under Article 286 of the Criminal Code of the Russian Federation (abuse of official powers). The special corpus delicti relative to it is under Part 4 of Article 303 of the Criminal Code of the Russian Federation. In this case the objective side is described more precisely: this is not any actions exceeding authority causing significant harm, but falsification of results of law enforcement intelligence operations. The subject is not any official, but specifically a person authorized to conduct law enforcement intelligence operations. Furthermore, Part 4 of Article 303 of the Criminal Code of the Russian Federation fixes a specific purpose – criminal prosecution of a knowingly innocent person or harming honor, dignity, or business reputation. All this shifts the primary object to social relations concerning the normal administration of justice, while the main object of the general corpus delicti becomes additional.

6. Special corpus delicti =  $O_a + OS_a + S + SS$ .

This construct can be illustrated by the special corpus delicti under Part 1 of Article 298.1 of the Criminal Code of the Russian Federation, where the object and objective side of the general corpus delicti under Part 1 of Article 128.1 of the Criminal Code of the Russian Federation are specified.

It is important to note that the presented variants of special corpus delicti constructs, currently existing in the Criminal Code of the Russian Federation, are not exhaustive. The list may be expanded by future amendments. Law enforcers can use these constructs to address primary issues in applying norms with a special corpus delicti via the following methods:

A) to identify the type of correlation between corpora delicti by isolating elements of the compared corpora delicti and comparing them, to determine which corpus delicti has at least one specified element relative to the other. Hypothesizing which corpus delicti is special, to determine if all its elements are encompassed by the general corpus delicti.

The constructs listed above can aid visualization.

B) to establish which corpora delicti relate as general and special, to verify their compliance with the theses on the correlation

of elements of general and special corpus delicti.

To check the correctness of determining feature correlation, to use verifying stable phrases like “not any, but only...”, “namely...”.

## REFERENCES

1. Naumov A.V. The form of criminal law and its social conditioning. In: *Problemy sovershenstvovaniya ugovnogo zakona* [Problems of improving the criminal law]. Moscow, 1984. Pp. 12–23.
2. Yalovenko T.V. Law application and its role in ensuring individual rights. *Vestnik Volgogradskoi akademii MVD Rossii = Bulletin of the Volgograd Academy of the Ministry of Internal Affairs of Russia*, 2015, no. 1, pp. 25–30. (In Russ.).
3. Duyunov V.K., Khlebushkin A.G. *Kvalifikatsiya prestuplenii: zakonodatel'stvo, teoriya, sudebnaya praktika: monogr.* [Qualification of crimes: legislation, theory, judicial practice: monograph]. Moscow, 2024. 486 p.
4. Trainin A.N. *Uchenie o sostave prestupleniya: monogr.* [The doctrine of corpus delicti: monograph]. Moscow, 1946. 186 p.
5. Herzenzon A.A. *Kvalifikatsiya prestuplenii* [Qualification of crimes]. Moscow, 1947. 25 p.
6. Piontkovskii A.A., Men'shagin V.D. Kurs sovetskogo ugovnogo prava. Osobennaya chast'. Tom 1 [Course of Soviet Criminal Law. Special Part. Vol. 1]. Moscow, 1955. 800 p.
7. Kuznetsova N.F. *Problemy kvalifikatsii prestuplenii: lektsii po spetskursu "Osnovy kvalifikatsii prestuplenii"* [Problems of qualifying crimes: lectures on the special course “Fundamentals of Qualifying Crimes”]. Ed. by Kudryavtsev V.N. Moscow, 2007. 336 p.
8. Kudryavtsev V.N. *Obshchaya teoriya kvalifikatsii prestuplenii* [General theory of qualifying crimes]. Moscow, 1999. 323 p.
9. Komyagin R.A. Correlation of corpus delicti and criminal law norm. *Vestnik Saratovskoi gosudarstvennoi yuridicheskoi akademii = Bulletin of the Saratov State Law Academy*, 2019, no. 6 (131), pp. 213–218. (In Russ.).
10. Sidorov B.V. The principle of justice: its place in the system of principles and norms of criminal law and issues of improving criminal law. *Vestnik ekonomiki, prava i sotsiologii = Bulletin of Economics, Law and Sociology*, 2016, no. 4, pp. 189–194. (In Russ.).
11. Shakin A.B. *Preodolenie konkurentsii ugovno-pravovykh norm pri kvalifikatsii prestuplenii: dis. ... kand. yurid. nauk* [Overcoming competition of criminal law norms in the qualification of crimes: Candidate of Sciences (Law) dissertation]. Moscow, 2004. 206 p.
12. Ivanchin A.V. *Kontseptual'nye osnovy konstruirovaniya sostava prestupleniya: dis. ... d-ra yurid. nauk* [Conceptual foundations of constructing a corpus delicti: Doctor of Sciences (Law) dissertation]. Yaroslavl, 2014. 461 p.
13. Sal'nikov N.V. *Prestupleniya s al'ternativnymi priznakami sostava: ugovno-pravovaya kharakteristika, problemy pravovoi otsenki i zakonodatel'noi reglamentatsii: dis. ... kand. yurid. nauk* [Crimes with alternative features of the corpus delicti: criminal law characteristics, problems of legal assessment and legislative regulation: Candidate of Sciences (Law) dissertation]. Moscow, 2023. 245 p.

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