

Секция «Английский язык и право (на английском языке)»

**Murder motivated by vendetta**  
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The protection of the rights and freedoms of the person and citizen, safety of their personality occupies one of the leading places in the modern Russian criminal legislation. Today, it is possible to tell, crimes against the personality are the most actual. It must be recognized one of them - a murder committed on the grounds of vendetta, referring to the number of aggravating circumstances. This kind of murder has recently become more widespread. Vendetta - a custom which exists in some peoples of the North Caucasus. This definition gives the majority of authors. Some authors suggest that this type of crime is not common in people of other nationalities living in the territory of the Russian Federation, and talk about it as the custom. In this regard, there is a problem in criminal law, whether the murder motivated vendetta only crime among the peoples of the Caucasus, or it really spread all over Russia? This problem caused controversy among the prominent scientists, lawyers, politicians and practitioners throughout the ages. The motive induces a person to commit a certain act, which is not always, in our opinion, is positive. It affects the process of criminal legal qualification of the crime and is a result of a complex emotional - volitional process. Professor S. V. Dyakov assumes that act can be qualified as murder of vendetta only if the subject of a crime is the person belonging to a community where the blood feud as custom is publicly recognized.[1] We can't agree with this definition. Investigations of the murders on the motive of blood feud committed by representatives of those nationalities for whom the blood feud is unusual as custom are annually made. It is impossible to tell that the revenge is in demand among the people of the North Caucasus. The existence of such type of a crime is proved even long before emergence of the state, for example in ancient Slavs. And indeed, there is no general ancestor who would connect Slavs and Caucasians concerning blood feud. For example, the Stavropol Regional Court convicted Zavyalov of claim. "k" Art. 102 of the Criminal Code of the RSFSR. Zavyalov committed murder because of a blood feud of gypsy Sarah. Her uncle killed his stepfather a few months ago; who was convicted for what he wrongly insulted their family. Judicial board on criminal cases of the Supreme Court upheld the conviction. The court found the perfect murder motivated vendetta and referred to the fact that the convict and decided to take revenge for the murder of the family of Sarah's stepfather. But for qualification of act, according to the item "to" of Art. 102 of UK RSFSR, it was necessary to determine that the perpetrator Zav'yalov belongs to the nation that recognizes the custom of blood revenge.[2] However, this could not be said about the Roma living in the territory of the USSR. Then the Presidium of the Supreme Court reclassified Zavyalov' offense on art. 103 of the Criminal Code of the RSFSR "premeditated murder." Analyzing the above, we come to conclusion that the crime scene and belonging of a guilty to this or that nationality does not play a decisive role. It extends beyond in any other area, regardless of the time of occurrence of blood grievances may arise in relation to any person, and continues indefinitely. The Supreme Court considers: "For the purposes of the law of murder motivated vendetta takes place when the guilty person, separating and recognizing this practice deprives the victim of life, trying to keep him." [3] The aforesaid in this Resolution of Presidium of the Supreme Court of the Russian Federation, in our opinion, is wrong. Yes, it is possible that for some representatives of the blood feud is a custom, and perhaps someone follows this because of their fundamental beliefs. But the point is that the Presidium of the Supreme Court considers this crime as compliance historically and transmitted from generation to generation traditions. We consider that this definition isn't really correctly

constructed. The offense, the evil and internal suffering and concern are defining in the content of revenge. Axiomatically, the blood feud creates the evil itself and is generated by the evil, and really has personal character. In many books and authors' comments indicate the crime scene and its subject. Unfortunately, there are no provisions in science and developed the idea of expert studies on the cases of killings based on vendetta, not only representatives of the North Caucasus, and representatives of other nationalities, as has been said above. In our opinion, it would be correct, to put a single, widely understood definition, including assumptions are many legislators. Thus, we can define it as follows: as murder based on blood feud it is necessary to consider illegal, deliberate and the committed reciprocal crime (causing to other person of death) which was committed by the victim for the done harm not only to him, but also to his relatives (murder, mockery at the woman and her humiliation, causing heavy injuries) as in pursuance of custom, and rage, offense and internal compassion.

#### **Источники и литература**

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