

POLITICAL AND LEGAL TABOO: DEATH PENALTY

Artem Kalinichenko

The Saratov State Academy of Law, Justice Institute

Abstract. In any healthy, normal, law-based state, there are institutions that must be subject to taboo. One such institution is the kind of exclusive/highest criminal punishment - the death penalty. Therefore, in the article will be consider the problems of action of the Institute of the death penalty in the modern world, which necessarily causes such a stir of discussion and debate between its supporters and opponents. Therefore, over a sufficiently long period of time was formed and fought against each other two big mansions to nominate their points of view - the so-called arguments «for» and «against». This barbaric tool is the use of the death penalty, has long outlived designed pages of the history. And on this basis, using the us arguments against try to prove the of the obsolete mechanism of the death penalty. Also, in the article the question of legal regulation of capital punishment, as currently the death penalty in Russia is de jure still exists on the face of all the legal grounds for its application.

Keywords: death penalty, capital punishment, life imprisonment, institutions, mechanisms, arguments.

References

1. Criminal law of Russia. Overview: Tutorial 3rd edition, revised and enlarged ed. FR Sundurova, IA Tarhanova, Kazan, «the Statute», 2009, 751 p.
2. The Constitution of 1993 // Meeting of the legislation of the Russian Federation, 04.08.2014, N 31, Art. 4398.
3. «The Russians want to bring back the death penalty - poll» // [Electronic resource]: Access: <http://www.interfax.by/news/belarus/1108420-> (reference date: 04.20.2015).
4. Criminal Code of the Russian Federation of 13.06.1996 number 63-FZ // Meeting of the legislation of the Russian Federation, 17.06.1996, number 25, Art. 2954.
5. Criminal Law course / ed. NF Kuznetsova IM Tyazhkovoy. - M.: Mirror, 2002. - T. 2. Chapeau. The doctrine of punishment.
6. The Constitution of 1994 (as amended, adopted at the national referenda on 24 November 1996 and 17 October 2004).

7. Convention for the Protection of Human Rights and Fundamental Freedoms (conclude in Rome 04.11.1950) (rev. On 13.05.2004) (rev. On 13.05.2004) (together with the Protocol [№ 1] (signed in g. Paris, 03/20/1952), Protocol № 4 securing certain rights and freedoms other than those already included in the Convention and the first Protocol (signed in Strasbourg on 16/9/1963) Protocol number 7 (signed in Strasbourg 22.11 .1984)) // Meeting of the legislation of the Russian Federation, 08.01.2001, number 2, Art. 163.
8. Determination of the Constitutional Court of the Russian Federation of November 19, 2009 № 1344-O-P // Meeting of the legislation of the Russian Federation dated November 30, 2009 № 48 Art. 5867
9. Presidential Decree of 16.05.1996 N 724 «Phasing out of the death penalty in connection with Russia's entry into the Council of Europe» // Meeting of the legislation of the Russian Federation, 20.05.1996, N 21, Art. 2468
10. The Penal Code of the Russian Federation, dated 08.01.1997 N 1-FZ (ed. From 11.28.2015) (rev. And ext., Joined. In force from 01.01.2016) // Meeting of the legislation of Russia, 13.01. 1997, N 2, p. 198.
11. Resolution of the Plenum of the Supreme Court of the Russian Federation from 27.01.1999 N 1 «On judicial practice in cases of murder (art. 105 of the Criminal Code)».
12. Bells, YN Death penalty: The Constitutional Court gives a new interpretation of the problem / I. N. Bells // Russian judge. -2010. - № 1. - P. 6 – 10
13. «The Constitutional Court did not have to consider the question of the death penalty - Judge Rudkin RIA Novosti» // [Electronic resource]: Access: <http://ria.ru/pravo/20091124/195281507.html> (reference date: 12.10. 2015).
14. «The death penalty will not be in Russia, the Constitutional Court decided» // [Electronic resource]: Access: <http://www.newsru.com/russia/19nov2009/nokazn.html> (reference date: 10.15.2015).

Contact

Artem Kalinichenko

The Saratov State Academy of Law, Justice Institute

7, South neighborhood, 416010 Kharabali city, Russia

artem.calini4enko@yandex.ru