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Robbery: main features and elements of a crime

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Robbery is a serious criminal offense against property, characterized by the forcible seizure of property or valuables from another person through the use of threats or violence. Analyzing the elements of robbery allows us to distinguish this crime from other property-related offenses. Robbery is considered one of the most dangerous crimes against society, as it not only involves the open theft of property but is also often accompanied by violence against the victim. The article examines the elements of the crime, including its object, objective and subjective aspects, as well as the locations and methods commonly associated with robberies.

Keywords: robbery, assault, composition of a crime, crime, objective side, subjective side.

The Constitution of the Russian Federation recognizes and equally protects private, state, municipal, and other forms of property [1]. One of the instruments for their protection is criminal liability for relevant illegal acts, which are outlined in Chapter 21 of the Criminal Code of the Russian Federation (Crimes against Property), including robbery (Article 162 of the Criminal Code of the Russian Federation).

Robbery is among the most socially dangerous crimes, as it involves not only the open theft of property but also often entails the use of violence against victims, including the use of cold weapons or firearms. In criminal law, the concept of «corpus delicti» serves as the primary basis for criminal liability. Although the Criminal Code of the Russian Federation does not provide a precise definition of «corpus delicti», it can be inferred from various sources that the corpus delicti represents a set of objective and subjective elements and conditions that characterize an act as criminal.

As is known, the corpus delicti of any crime consists of four elements: the object, the objective side, the subject, and the subjective side. Robbery is defined as an attack aimed at stealing someone else's property, committed with the use of violence that is dangerous to the life or health of the victim.

A. N. Popov and L. S. Aistova, in their works, state that «the object of a crime under the criminal law of the Russian Federation is the social relations protected by criminal law, which are encroached upon by the perpetrator with the intent to cause harm» [4]. This definition, in my opinion, accurately reflects the essence of the concept.

Thus, robbery is a crime with two objects: it simultaneously encroaches on property relations and on the health of the individual. Within the framework of robbery, both objects are considered primary. However, the legislator classified the norm on liability for robbery under crimes against property, implying that human life and health are protected by a separate and extensive system of criminal law norms in the Special Part of the Criminal Code of the Russian Federation. This suggests that property is prioritized within the framework of this equivalence of objects of criminal law protection. This conclusion does not contradict Article 2 of the Constitution of the Russian Federation, which recognizes the individual, their rights, and freedoms as the highest value, nor Article 2 of the Criminal Code of the Russian Federation, which places the protection of human and civil rights and freedoms at the forefront of legal protection [5].

The objective side of a crime represents its external manifestation and includes the act (action or inaction), its consequences, and the causal relationship between them, as well as the time, place, method, circumstances, tools, and means of committing the crime.

In the case of robbery, the objective side is characterized by an attack involving the use of violence or the threat of violence. An attack

is defined as an aggressive act against the victim, which may be either overt or covert. The use of intoxicating substances against the victim also qualifies as an attack.

The use of violence in robbery refers to acts that cause severe or moderate harm to the victim's health, as well as minor harm resulting in a short-term health disorder or a slight permanent loss of general working capacity. The threat of violence must be real, meaning it must be a credible promise that could be carried out if the victim resists. Robbery is considered a completed crime from the moment the criminal act begins, provided that violence dangerous to the life or health of the victim is used, regardless of whether the theft is ultimately successful.

This concept of the end of a crime can be controversial. However, if we classify robbery as a crime that encroaches on both the property of citizens (as the primary object) and their life and health (as the secondary object), it would be more logical, as with other theft-related crimes, to consider it completed from the moment the perpetrator gains the opportunity to dispose of the stolen property. Nevertheless, as I pointed out earlier, the criminal law also includes other norms that regulate the protection of life and health. The classification of robbery under crimes against property has its own rationale. This is why robbery is considered completed from the moment it begins, as the encroachment on one of the specified objects (property or health) occurs immediately.

An analysis of investigative and operational practices, as well as literature sources, indicates that robberies are most often committed in the following locations:

- parks, squares, alleys, dead ends, courtyards, wooded areas, banks of open reservoirs, directly on reservoirs, and adjacent recreation areas and green spaces;
- streets, squares, embankments, bridges, overpasses, viaducts, beaches, and public transport stops;
- markets and stadiums during their operating hours;
- staircases, interstory passages, elevators, and common areas of apartment buildings;
- public transport: railway, automobile, etc.;
- dormitories, hotels, sanatoriums, rest homes, and boarding houses;
- places where citizens spend their leisure time: clubs, stadiums, dance floors, etc.;
- restaurants, cafes, canteens, and shops;
- territories of private properties;
- apartments and private households of citizens;
- premises and territories of institutions, enterprises, and organizations.

The method of committing a crime is understood as a flexible system that depends on the specific situation. It consists of the actions of

criminals, which can be functionally and structurally divided into three subsystems: preparation, direct commission, and concealment.

For the category of crimes under consideration, this element of criminalistic characteristics plays a special role in the qualification of a crime. Tools and means of committing crimes include various objects, substances, and technological devices used by criminals to achieve a criminal result [3].

The subject of a robbery is a natural, sane person who has reached the age of 14. Here, I would like to note that there is currently a trend of «rejuvenation of crime». The number of minors committing robberies, including in a state of alcohol or drug intoxication, is growing, and the organized nature of such crimes is becoming more apparent.

The subjective side of a crime is one of the key aspects that determine the nature and culpability of a crime in the legal sense. It describes the intent and motivation of the criminal to commit an illegal act. The elements of the subjective side include guilt, motive, and purpose.

A. V. Naumov wrote: «Guilt is the mental attitude of a person to a socially dangerous act committed by them and its consequences in the form of intent or negligence». Robbery is characterized only by direct intent, meaning the criminal desired and was aware that a criminal result

would follow their actions [4].

Additionally, a self-serving purpose is an obligatory element of the subjective side. A self-serving purpose means that the perpetrator consciously intended to dispose of the stolen property as their own.

The motive for robbery can vary, ranging from self-serving motives to hooliganism.

From all of the above, it is possible to provide a comprehensive criminal-legal description of robbery. Robbery is a crime under Chapter 21 of the Criminal Code of the Russian Federation, classified as a crime against property. The object of this crime encompasses both property relations and the health of citizens. The objective side includes actions related to the seizure of someone else's property through the use of violence dangerous to the life and health of a citizen, as well as the threat of such violence. Criminal liability for this crime may be imposed on an individual, sane person who has reached the age of 14. This crime is committed only with direct intent and necessarily involves a mercenary purpose.

The corpus delicti is an integral and essential part of criminal law, as it is necessary to recognize a specific act as a crime in accordance with the law and to distinguish this crime from other related offenses.

Notes

1. Constitution of the Russian Federation: adopted by popular vote on December 12, 1993. URL: <https://www.consultant.ru> (date of application: 16.03.2025).
2. Criminal Code of the Russian Federation N 63-FZ of June 13, 1996. URL: <https://www.consultant.ru> (date of application: 16.03.2025).
3. Belkin R. S. Criminalistic encyclopedia. Moscow, 2000.
4. Naumov A. V. Russian criminal law. Moscow, 1996.
5. Popov A. N. Object of crime. Moscow, 2014.

Translated version

Разбой: основные признаки и состав преступления

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Разбой является тяжким уголовным преступлением против собственности, характеризующимся насильственным захватом имущества или ценностей у другого лица с применением угроз или насилия. Изучение признаков разбоя позволяет отграничить данное преступление от иных преступлений против собственности. Разбой рассматривается как одно из наиболее опасных преступлений, поскольку он не только предполагает открытое хищение имущества, но и часто сопровождается насилием в отношении жертвы. В статье исследуются элементы состава преступления, включая объект, объективную и субъективную стороны, а также анализируются способы и обстоятельства совершения разбойных нападений.

Ключевые слова: разбой, разбойное нападение, состав преступления, преступление, объективная сторона, субъективная сторона.