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## **FEATURES OF THE RESPONSIBILITY OF A PEDAGOGICAL WORKER FOR INVOLVING A MINOR IN THE COMMISSION OF A CRIME**

***Abstract:** this article presents a legal analysis of the encroachment provided for in Article 150 of the Criminal Code of the Russian Federation. The author's positions regarding the qualification of involving a minor in committing a crime committed by a teacher or other employee of the education system are presented.*

***Keywords:** minor, child, teacher, involvement, deception, violence, crime, criminal liability, the subject of the crime.*

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## ОСОБЕННОСТИ ОТВЕТСТВЕННОСТИ ПЕДАГОГИЧЕСКОГО РАБОТНИКА ЗА ВОВЛЕЧЕНИЕ НЕСОВЕРШЕННОЛЕТНЕГО В СОВЕРШЕНИЕ ПРЕСТУПЛЕНИЯ

*Аннотация:* в статье представлен юридический анализ посягательства, предусмотренного ст. 150 УК РФ. Представлены авторские позиции относительно квалификации вовлечения несовершеннолетнего в совершение преступления, совершенного педагогом или иным работником системы образования.

*Ключевые слова:* несовершеннолетний, ребенок, педагог, вовлечение, обман, насилие, преступление, уголовная ответственность, субъект преступления.

The involvement of a minor in the commission of a crime should be understood as the actions of an adult aimed at arousing the desire to commit a crime (Article 150 of the Criminal Code of the Russian Federation).

Theory and practice distinguish two types of involvement:

1. Not specified, in which the actions of an adult are propaganda of a criminal lifestyle, recruitment of new supporters of the criminal world, providing replenishment of the criminal ranks and not aimed at attracting a minor to commit a certain crime.

2. Concretized, which consists either in inducing a teenager to participate in a crime conceived by an adult as a co-executor or accomplice, or in forming an independent intent for a minor to commit a certain act.

It is the concretized involvement that causes a lot of difficulties in qualification, since the actions of an adult contain, in addition to involving a minor in the commission of a crime, signs of other elements of crimes [1].

The objective side of this type of crime will be the involvement of a minor in the commission of a crime by promises, deception, threats or otherwise. To involve means to attract, to draw in, to tighten, to entice, to «draw in» something [2, p. 172]. Involvement should be understood as actions that are directly aimed at arousing a minor's desire to participate in the commission of one or more crimes jointly with someone or individually. It is important to note that the age of the person involved, as well as the

degree of his social maturity and the characteristics of the teenager do not matter. By itself, the fact of joint participation in a crime with a minor is not enough to impute to an adult Article 150 of the Criminal Code of the Russian Federation. In the absence of signs of involvement, adults may be responsible for complicity [3, p. 25].

It should be noted that judicial practice proceeds from the fact that the involvement of a minor in the commission of a crime means actions aimed at inciting the commission of a crime, preparing a minor to participate in it or engaging in it as a co-perpetrator, accomplice or concealer.

According to part 2 of Article 150 of the Criminal Code of the Russian Federation, the qualifying feature of the crime in question is the commission of an act not only by a parent, but also by a teacher or other person who is legally responsible for the upbringing of a minor. Thus, it can be noted that there is an increased responsibility for involving a minor in the commission of a crime by a special subject.

It should be emphasized that the parent should also be understood as adoptive parents, as well as blood parents who are deprived of parental rights or restricted in them in accordance with Articles 69 and 73 of the Family Code of the Russian Federation. Moreover, according to the meaning of the law, these persons commit a crime against their own children.

The teacher in this case is not just a person holding an appropriate position in a state or non-state educational or educational institution (for example, a teacher, a college teacher, a kindergarten teacher, and others), but a person who is entrusted with carrying out educational work with a teenager involved in committing a crime. Other persons should include a guardian (trustee), stepfather, stepmother, foster parents.

The need to establish a more severe punishment for these persons is dictated by the fact that they significantly influence the formation of the child's personality by virtue of their kinship or position. They are entrusted by law with important socially useful functions of educating the younger generation, the fulfillment of which they grossly neglect. It is these persons who have a certain power over the child, enjoy authority and respect from him, which allows manipulating a minor in their interests, as a rule, to the detriment of the personality of the teenager [4, c. 5].

The question that may arise when qualifying the crimes under consideration is related to the situation when one person involves two or more minors in committing a crime or antisocial actions, while being a teacher of only one of them. We believe that in this case, in this case, we can talk about the imputation of the qualifying attribute in question, fixed in Part 2 of Article 150 of the Criminal Code of the Russian Federation. The question is whether in this case an ideal set of crimes provided for in Part 2 of Article 150 and Part 1 of Article 150 of the Criminal Code of the Russian Federation is formed? Practice regards the simultaneous involvement of two or more minors by the perpetrator in the commission of a crime, provided that he is the teacher of only one of them, in some cases as an ideal combination, in others as a single act [5].

The doctrine defines that an ideal combination of different parts of one article of a Special Part is possible only if such parts provide for independent elements of crimes that do not compete with each other [1]. If an act committed by a person contains signs of a crime that fall under different parts of the same article, which do not provide for independent elements of crimes, but varieties of the composition of the same crime, an ideal aggregate is not formed. The qualification of such situations is determined not by the rules of qualification for an ideal set of crimes, but by the rules of qualification for the competition of criminal law norms.

In case of competition between the main and qualified corpus delicti, qualification is carried out according to the part of the article of the Criminal Code of the Russian Federation that provides for qualified composition. Thus, in cases where a person simultaneously involves two or more minors in committing a crime or antisocial actions, while being a teacher of only one of them, what they have done should be qualified only under Part 2 of Article 150 of the Criminal Code of the Russian Federation as involving a minor in committing a crime committed by a parent (or under Part 2 of Article 151 of the Criminal Code of the Russian Federation as involving a minor in committing antisocial acts committed by a parent).

If two or more minors are involved in the commission of different crimes or antisocial actions, and these acts are not carried out simultaneously and are not united by one intent, then qualification is necessary in aggregate [6, с. 21].

Part 3 of Article 150 of the Criminal Code of the Russian Federation provides for liability for involving a minor in committing a crime with the use of violence or with the threat of its use.

Physical violence in this case will be understood broadly: it can be expressed both in beatings that do not entail harm to the health of a teenager, and in causing light or moderate harm to health. If the victim's health was intentionally seriously harmed (Article 111 of the Criminal Code of the Russian Federation) or the violence was expressed in torture (Part 2 of Article 117 of the Criminal Code of the Russian Federation), the deed forms a set of crimes provided for by one of the above articles and Article 150 of the Criminal Code of the Russian Federation.

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