

## **Criminal Law of the Kyrgyz Republic - 2**

**Law - 203 ID - 01568**

**Autumn - 2011**

**Instructor:** Associate professor Azamat Zhumashev

**Starting date:** 22/08/2011

Completion dates: 5/12/2011

Total teaching weeks: 15

Schedule:

Monday: Lecture 9:25

Thursday: Seminars 9:25  
10:50

Office hours: Monday 10: 40, Thursday 12: 20 pm

### **I. Course Description**

Course "Criminal Law of the Kyrgyz Republic - 2 (Special Part)" - this academic discipline, which introduces students to skills-based crimes, that is, the application of criminal law to identify - is whether a socially dangerous act is a crime or not. The special part of the Criminal Law of KR is an integral, inseparable part of the criminal law, and can act, that is used only in organic connection with the General Part of Criminal Law.

Course "Criminal Law of the Kyrgyz Republic -2 (Special Section)" aims to familiarize students with certain types of specific crimes, especially their occurrence and the penalties for committing them. The course aims to ensure that students were free to apply criminal law to qualify the crime to navigate the criminal law, be able to give a specific estimate of the socially dangerous acts.

The main textbook for this course are invited textbooks "Criminal Law of KR" (the authors - Kurmanov KN, Osmonaliev K. Tyulegenov T. et al), "Criminal Law of the Russian Federation", ed. VD Zdravomyslova, Comments to the Criminal Code (ed. Asanalieva TA, Kurmanova KN), etc.

### **II. Learning outcomes**

- 1) Correctly classify acts (crimes) on the composition of crime.
- 2) Correctly identify categories of severity of the crime.
- 3) To differentiate between different types of crimes
- 4) To compare the crime on the severity of the damage caused to health or property.
- 5) Designing become a common part of the special part of the Criminal Code of the Kyrgyz Republic.

### **III. Academic rules and policies of the course**

1. Students should come to class on time. In that case, if the teacher has already said the student as absent from the lesson, he can remain in the classroom, but would nonetheless be counted as absent.
2. Attendance is mandatory. In case of missing classes for a good reason, voucher must be submitted no later than the following for missed classes. If the above requirement is not met, no student will be counted as a valid reason for skipping. In

that case, if the student miss three (3) classes without good reason, or 50% of the course (for good or valid reason) for the entire course will be offered assessment of «X».

3. If a student was agreed to hold individual meetings (consultations) with the teacher, then visiting her necessarily. Skipping the match is regarded as a badge of official employment with all its consequences.

4. For all written assignments set the final deadline (deadline). In the event that a student pass the work the next day after the final deadline to 17:00 pm, the final score will be lowered by one point (for example, if the estimate for the work out of "B", in view of the rule evaluation will be - "C" ). After the expiry of the deadline written work will not be accepted and Evaluation in this case can be exhibited only one - «F». This rule applies to all students, even in case of illness or other justifiable reason, as the dates have been set in the syllabus and all notified them in advance.

5. All students must follow the rules of academic honesty AUCA. All forms of cheating and plagiarism are strictly prohibited. In case of violation of this requirement when performing oral or written assignments at the discretion of the teacher of the course may be set score «F» for the job or for the entire course, depending on the particular circumstances of the case.

6. Mobile phones and other electronic, radio must be turned off all the time for lessons.

### **III. Course Requirements**

1. Participation in seminars. Students should come to class prepared and actively participate in all training and group classes. At the seminars the student must come with the stipulation, he should know the answers to the questions provided, giving qualification of crimes in the proposed tasks, be able to handle the elements and characteristics of the offense and have notes on the topic. Seminars are held in a different form: the debate, brainstorming, problem solving, business games, etc. Written work. Throughout the semester, each student must conduct research and prepare a scientific project. Research project must be completed in writing a volume of text in a scholarly article of at least 7-9 pages 1,5-spaced, font 12 Time New Roman. By the project may be attached charts, diagrams, statistics, etc. Each project should be presented.

2. Requirements for students. In the classroom the student should have 2 common notebook for lecture notes and seminars. Please pay attention to the job for seminars, which provided for independent work with literature and the proposed solution of the problem. In the classroom is prohibited to take food and using a cell phone. Output from the audience only with the permission of the instructor.

3. Independent and individual work of students. Independent work of students includes their work in libraries and at home with the obligatory, recommended and additional literature, as well as regulations. Homework assignments may be in the form of solving problems, making logic, analytical tables, and other forms. In preparation for lectures and seminars, students should use not only textbooks but also monographs, professional literature, regulatory material and periodicals, the Internet capabilities.

### **IV. Evaluation**

The final grade consists of:

1. Attendance and work in practical classes - 10%;

2. Quiz - 30%;
4. Written work - 15%;
5. Final Exam - 45%.

The final grade will consist of the sum of scores.

Rating scale:

- 95-100% = A;
- 90-94 = A-;
- 85-89 = B +;
- 75-84 = B;
- 70-74 = B-;
- 65-69 = C +;
- 60-64 = C;
- 55-59 = C-;
- 50-54 = D +;
- 45-49 = D;
- 40-44 = D-;
- 0-39 = F

Form of control. To control performance-course material is divided into 2 blocks. For the passage of each block included tests. Tests are provided in writing with different answers, but with only one correct answer. They will consist of 15 questions.

The final exam. Is a written work containing a solution of 3 goals and 7 extended logical tests

## V. Course Content

№	Topics	Classroom		Self. Jobs
		Lectures	Seminars	
1	The concept of the Special Part of Criminal Law and the crimes	2	2	8
2	Crimes against life and health	2	2	8
3	Crimes against freedom, honor and dignity and against his constitutional rights	2	2	8
4	crimes against sexual inviolability and sexual freedom 2	2	2	8
5	Crimes Against Family and Minors	2	2	8
6	Property crime	2	2	8
7	Crimes in the sphere of economic activities	2	2	8
8	Crimes against public safety	2	2	8
9	Crimes against public health and public morals	2	2	8
10	Environmental Crime	2	2	8
11	Offences against the safety and operation of transport	2	2	8
12	crimes against the constitutional order and national security	2	2	8
13	Officers of crime	2	2	8
14	crime against justice and order management	2	2	8

<b>15</b>	Crimes against the Peace and Security of Mankind	<b>2</b>	<b>2</b>	<b>8</b>
	<b>Total:</b>	<b>30</b>	<b>30</b>	<b>124</b>

**Questions and assignments for the seminars  
"Criminal Law of the Kyrgyz Republic - 2"**

Week 1 - August 22

Questions for the workshop:

The concept of the Special Part of Criminal Law.

The concept of qualification of crimes.

Stages of qualification of crimes.

The crimes of the offense. The value of qualifications crimes.

Week 2 - August 29

Questions for the Workshop: Overview of crimes against life and health. Crimes against life. Murder. Harm to health of various categories of severity. Crimes, endangering the lives and health of the individual. Solving problems.

Assignment: Solve the problem: № 5, 8 and 14. Topic 1.

A table: "Classification of crimes against life and health"

3rd Week - September 5

Questions for the workshop: Kidnapping. Trafficking in human beings. Unlawful deprivation of liberty. Illegal placement in a psychiatric hospital. Slander. Insult. Crimes against the constitutional rights.

Assignment: Solve the problem: № 1,5 and 23. Theme number 2 and number 4, 7 and 13, Topic 4.

Make 2 tables: "Classification of crimes against freedom, honor and dignity," "The crimes against the constitutional rights"

Week 4 - September 12

Questions for the seminar: Rape, sexual assault, indecent assault.

Assignment: Solve the problem: № 1, 2 and 3. Topic 3.

A table: "Classification of sexual assault"

Week 5 - September 19

Questions for the workshop: a general overview of crimes against the family and minors. The involvement of minors in antisocial acts and crimes. Evasion of parents from child support and child from the parents of the content.

Assignment: Solve the problem: № 1, 2 and 3. Topic 5.

A table: "Classification of offenses against the family and minors"

6-Week - September 26

Questions for the seminar: The concept of crimes against property. The concept of theft, the types of theft. Crimes of negligence against the property. Solving problems.

Assignment: Solve the problem: № 3, 7 and 20. Topic 6.

A table: "Classification of crimes against property"

7-Week - October 3

Questions for the Workshop: Overview of crimes in the sphere of economic activity. Crime in the area of entrepreneurship and banking. Crimes of lending and taxation. Smuggling. Crimes related to bankruptcy. Consumer fraud. Solving problems.

Assignment: Solve the problem: № 8, 21 and 31. Theme 7.

A table: "Classification of crimes in the sphere of economic activity"

Test number 1 "Crimes Against the Person" "Crimes against property"

8-Week -10 October

Questions for the Workshop: Overview of crimes against public security. Terrorism and hostage taking. Banditry. Hooliganism and vandalism. Crimes of negligence relating to the handling of things excluded from the civil law and when performing hazardous work. Solving problems.

Assignment: Solve the problem: № 3, 4 and 9. Theme 8.

A table: "Classification of crimes against public security and public order"

9-Week - October 17

Fall break

10-Week - October 24

Questions for the seminar: The concept of environmental crime. Offences related to infringement of the rules on the protection of nature. Water pollution, atmosphere, land. Illegal hunting and mining stocks. Solving problems.

11-Week - November 1

Questions for the workshop: Violation of traffic safety rules and operating rail, air and water transport. Violation of traffic safety rules and operation of vehicles. Bringing useless vehicles or means of communication.

Assignment: Solve the problem: № 1, 7 and 16. Topic 11.

A table: "Classification of Transport Crimes

12-Week - November 8

Questions for the Workshop: Overview of crimes against the foundations of public order and state security. Treason. Espionage. Diversion. Revealing state secrets. Solving problems.

Assignment: Solve the problem: № 536

A table: "Classification of crimes against the foundations of public order and state security"

13th Week - 14 November

Question for the seminar: Overview of malfeasance. Misuse of official position. Bribe. Types of bribes. Negligence. Solving problems.

Assignment: Solve the problem: № 2, 4 and 32. Topic 13.

A table: "Classification of malfeasance"

Test № 2 "Crimes against public order and security " Crimes against the constitutional order and state security" -

14-Week - November 21

Questions for the workshop: Crimes against public justice committed by citizens. Crimes against public justice committed by law enforcement officials. Crimes against public justice committed

by persons in custody or in prison. Solving problems.  
Assignment: Solve the problem: № 11, 13 and 48. Topic 15.  
A table: "Classification of Crimes against justice

15-Week - November 28

Questions for the seminar: The concept of crimes against peace and security of mankind. Genocide, ecocide, mercenaries. Attacks on persons or institutions that enjoy international protection. Solving problems.

Assignment: Solve the problem: № 5 and 9. Topic 18.

A table: "Classification of Crimes against the Peace and Security of Mankind"

Final Exam

VI. Required readings and standard material:

(Available in the library AUCA)

1. Criminal Law of the CD. Kurmanov KN B. 2001;
2. Criminal Law of the CD. Kurmanov KN B. 2001;
3. Criminal Law of the Russian Federation (General and Special Parts) (ed. Rarog AI) AM 2003;
4. Criminal Law of the Russian Federation. (Special Section) (ed. Zdravomyslova BV). MA 2001;
5. Criminal Law of the Russian Federation. (Special Section) (ed. Petrasheva VN). MA 1999;
6. Criminal Law of the Russian Federation (General and Special Parts) (Michlin AS) M. 2003;
7. Criminal Law of the Russian Federation (General and Special Parts) (Platonov, EV), Moscow, 2003;
8. Criminal Law of the Russian Federation (Special Part) (M Smirnov, Tolmachev) M. 2000;
9. Criminal Law Code (ed. Kovaleva MI and Kozachenko IY). M. 1999.;
10. Criminal Law of the Russian Federation (General and Special Parts) (Comish C, B) M. 1999;
11. Criminal Law Code (Special Section) (Osmonaliev KM) BA 2005;
12. Commentary to the Criminal Code. 2001. (Ed. Lebedev VM);
13. Comments to the Criminal Code (ed. Asanalieva T. and K. Kurmanova). B. 2001;
14. Comments to the Criminal Code (ed. Asanalieva T. and K. Kurmanova). B. 2004;
15. Workshop on Criminal Law (ed. Kozachenko IJ) M. 1999;
16. Bibliography on the Criminal Law (composer: Tyulegenov TA). Resources on our site:

**standard material:**

1. The Constitution. AB 2007 (as amended. Law of the KR of January 15, 2007);
2. Criminal Code of the Kyrgyz Republic. AB 2007 (as of the Criminal Code on September 1, 2007);
3. Criminal laws of foreign countries. M. 1998;
4. On transplantation of organs and (or) tissues. Law of the Kyrgyz Republic of 30.01.2000;
5. On improving the forensic medical service in the CD. Order of the Minister of Health of the Kyrgyz Republic of 17.01.2000. № 5 (Annex № 17);
6. On psychiatric care and guarantees of citizens' rights in its provision. Law of the Kyrgyz Republic of 17.06.1999;
7. On the Protection of State Secrets of the CD. Law of KR on 4/14/1994.;
8. On environmental protection. Law of KR on 6/16/1999;
9. On narcotic drugs, psychotropic substances and precursors. Law of KR on 5/22/1998.;
10. On the fight against terrorism. Law of KR on 21/10/1999.;
11. On the fight against corruption. Law of KR on 03/06/2003.;

12. On general principles of amnesties and pardons. Law of KR on 21/10/1999.;
13. Supreme Court ruling CD on certain types of crimes, etc.

**Recommended Reading:**

(Available in the library AUCA)

**Monographs:**

1. Vereen VP Economic crimes. MA 1999;
2. Garmayev JP Malfeasance in customs. MA 2002;
3. Glushchenko PP Lukichev YA Criminal-law remedies rights and interests of legal persons and citizens in the Russian Federation. SPb. 1998;
4. Kurmanov AK Crimes against the Peace and Security of Mankind. B. 2002;
5. Kurmanov KH Qualifying offenses: Theory and Practice. B. 2001;
6. Kucherov II Crimes in the area of taxation. MA 1999;
7. Larichev VD, Spirin, GM Commercial fraud in Russia. MA 2001;
8. Lyapunov YI Acquisitive crime tolerated. MA 1989;
9. Organized crime (Eds. AI Dolgov, SV Dyakova). MA 1989;
10. Safonov, VN Organized extortion: the criminal law and criminological analysis. SPB. 2000;
11. Tyazhkova IM Protection of Socialist Property. MA 1987;
12. Shargorodsky MD Selected works on criminal law. SPb. 2003;

**Scientific articles:**

1. Bogush, GI The UN Convention against Corruption, Vestnik Moskov. 2006. № 3;
2. Galiakparov R. qualify as murder and rape committed by the group method // RYU. 2000. № 10;
3. Zaydieva DY Criminal legal description of kidnapping, Vestnik Moskov. 2006. № 4;
4. Ivanov DV Prevention of crimes in the area of drug trafficking by members of the Interior // Law and Policy. 2007. № 6;
5. Istomin, AF, Gorbulin VA VI Zarubin Ways of improving the standards of the Criminal Code as a legal framework to combat terrorism / ZHRP. 2001. № 1;
6. Klepichkiy IA Property and possessions in the criminal law ISU. 1997. № 5;
7. Krylova, NE Responsibility for illegal abortion and the need for criminal legal defense of the "future" life ", Vestnik Moskov. 2002. № 6;
8. Kuznetsova, NF, Lopashenko NA Problems of qualification of economic crimes, Vestnik Moskov. 2001. № 2;
9. Likhov SJ Polling relationship as an object of a crime (criminal-law analysis) // Vestnik MGU. 2005. № 5;
10. Maltsev V. Terrorism: the problem of legal regulation // ISU. 1998. № 8;
11. Prokhorov, LA, Prokhorov, ML Drug trafficking in the structure of organized crime: state, trends and prospects // Law and Policy. 2001. № 6;
12. Sklyarov SV The concept of theft in the criminal legislation of Russia: a theoretical analysis / ISU. 1997. № 9;
13. Tkachevsky YM Responsibility for the actions, disorganize the activities of providing isolation from society, Vestnik Moskov. 2007. № 1;
14. Tyazhkova IM Responsibility for unlawful coercion, Vestnik Moskov. 2006. № 5;
15. Tzenov TL On the use of Article 174-1 of the Criminal Code / Law and Order. 2003. № 10;
16. Chuchayev AI, Ivanova SY Customs crimes in the new Criminal Code / ISU. 1998. № 11;
17. Shelkovnikova ED The problems of strengthening the fight against illicit trafficking in

**Criminal Law of the Kyrgyz Republic -2**  
**Test questions for the exam**

1. The concept of the Special Part of Criminal Law
2. The crimes
3. Crimes against life and health
4. The concept of murder. Types of homicide
5. Causing death by negligence
6. Incitement to suicide
7. Intentional injury
8. Beatings, torture
9. Grievous bodily harm by negligence
10. Death threats and forcible removal of organs or human tissue for transplantation
11. Infection with sexually transmitted disease and HIV infection
12. Abandonment in danger
13. Crimes against freedom, honor and dignity. General Characteristics
14. Kidnapping and unlawful imprisonment
15. Trade people
16. Illegal placement in a psychiatric hospital
17. Defamation and insult
18. Crimes against sexual inviolability and sexual freedom of the individual. General Characteristics
19. Rape and sexual assault
20. Crimes against the constitutional rights and freedoms of man and citizen. General Characteristics
21. Violation of equality of rights and freedoms of man and citizen
22. Crimes against the family and minors. General Characteristics
23. Involving a minor to commit a crime
24. Involving a minor to commit antisocial acts
25. Willful refusal to pay funds for the maintenance of children or disabled parents
26. Crimes against property. General Characteristics
27. Kinds of theft and extortion
28. Misappropriation car
29. Intentional and negligent destruction or damage to property
30. Crimes in the sphere of economic activity. General Characteristics
31. Obstruction of the lawful business or other activities
32. Registration of illegal land transactions
33. Illegal business, banking and Izhpredprinimatelstvo
34. Legalization (laundering) of money or other property acquired by other persons by criminal means
35. Crimes related to credit
36. Coercion to commit the transaction or to refuse to commit
37. Bribery of participants and organizers of professional sports and entertainment competitions
38. Crimes related to securities



39. Smuggling
40. Crimes related to bankruptcy
41. Crimes related to taxes and customs tariffs
42. Crimes against the interests of the service for commercial and other organizations
43. Abuse of private notaries and auditors
44. Excess of authority employees of private security or detective services
45. Commercial bribery
46. Crimes against public safety. General Characteristics
47. Terrorism and Hostage Taking
48. Deliberately false reporting of acts of terrorism
49. Organization of an illegal armed formation or participation in it
50. Banditry
51. Organization of a criminal association (criminal organization)
52. Hijacking of aircraft or watercraft or a railway rolling stock
53. Riots
54. Hooliganism and vandalism
55. Violation of fire safety
56. Offences related to nuclear materials or radioactive substances
57. Crimes involving firearms, ammunition, explosives and explosive devices
58. Crimes against public health and public morality. General Characteristics
59. Crimes related to narcotic drugs or psychotropic substances
60. Violation of sanitary-epidemiological rules
61. Concealing information about the circumstances that endanger the life or health
62. Manufacture or sale of goods, works or services that do not meet safety requirements
63. Crimes related to prostitution and pornography
64. Cruelty to animals
65. Environmental crimes. General Characteristics
66. Violation of the rules of environmental protection during works
67. Poaching and illegal felling of trees and shrubs
68. Offences against the safety and operation of transport. General Characteristics
69. Violation of traffic safety rules and operating rail, air or water transport
70. Violation of traffic safety rules and operation of vehicles
71. Bringing useless vehicles or means of communication
72. Violation of the rules of international flights
73. Crimes in the sphere of computer information. General Characteristics
74. Crimes against the constitutional order and state security. General Characteristics
75. Treason and espionage
76. Encroachment on the life of a statesman or public figure
77. Forcible seizure of power or forcible retention of power
78. Armed rebellion and sabotage
79. Public appeals for extremist activity
80. Disclosure of state secrets and the loss of documents containing state secrets
81. Crimes against the state, the interests of public service and service in local government
82. Abuse of power and abuse of office
83. Torture
84. Bribe-taking and giving bribes
85. Forgery and Negligence
86. Crimes against justice. General Characteristics
87. Crimes against public justice committed by officials
88. Crimes against public justice committed by general subject
89. Crimes against public justice committed by the person against whom legal action taken by coercion

90. Offences against the chain of command. General Characteristics
91. Encroachment on the life of a law enforcement agency
92. The use of violence against a government representative
93. Illegal crossing of state border and change the CD
94. Crimes related documents, stamps, seals, stamps, forms, numbers, etc.
95. Evasion of military service and alternative civilian service
96. Desecration of the National Emblem of the CD or the national flag of Kyrgyzstan
97. Arbitrariness
98. Crimes against military service. General characteristics.
99. Crimes against the Peace and Security of Mankind. General characteristics.

### Subjects of research projects

№	Topics	name student
1.	Crimes against the person. General Characteristics	
2.	Criminal liability for personal injury	
3.	Criminal liability for first degree murder	
4.	Negligent infliction of death	
5.	Attenuated killing	
6.	Crimes against property	
7.	Theft - robbery - robbery	
8.	Fraud and extortion: a comparative characterization	
9.	Misappropriation car	
10.	Banditry	
11.	Smuggling	
12.	Treason and espionage	
13.	Terrorism	
14.	Hostage-taking	
15.	Kidnapping	
16.	Sex Offenders	
17.	Malfeasance	
18.	Crimes against justice	
19.	Crimes against the order management	
20.	Military crimes	
21.	Crimes against the Peace and Security of Mankind	