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LEGAL COUNTERMEASURES AGAINST ILLEGAL PRODUCTION AND TRAFFIC OF ALCOHOLIC AND ALCOHOL-CONTAINING PRODUCTS IN THE RUSSIAN FEDERATION

Abstract: *the article discusses the legal aspects of normative counteraction to the illegal production and circulation of ethyl alcohol, alcoholic and alcohol-containing products, tobacco products, nicotine-containing products and raw materials for their production, analyzes the discussion aspects of determining the social grounds for criminalizing such actions, the authors explore some issues of prevention of the investigated act. The author assesses certain signs of corpus delicti under Article 171.3 of the Criminal Code of the Russian Federation.*

Keywords: *criminal law, criminalization, grounds, public danger, crime, consequences, economic activity, alcoholic beverages, alcohol-containing products, illegal trafficking.*

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ПРАВОВОЕ ПРОТИВОДЕЙСТВИЕ НЕЗАКОННОМУ ПРОИЗВОДСТВУ И ОБОРОТУ АЛКОГОЛЬНОЙ И СПИРТСОДЕРЖАЩЕЙ ПРОДУКЦИИ В РОССИЙСКОЙ ФЕДЕРАЦИИ

Аннотация: *в статье рассматриваются юридические аспекты нормативного противодействия противоправному производству и обороту этилового спирта, алкогольной и спиртосодержащей продукции, табачной продукции, никотинсодержащей продукции и сырья для их производства, анализируются*

дискуссионные аспекты определения социальных оснований криминализации таких действий, авторы исследуют некоторые вопросы профилактики исследуемого деяния. Автор дает оценку отдельных признаков состава преступления, предусмотренного статьей 171.3 УК РФ.

Ключевые слова: уголовное право, криминализация, основания, общественная опасность, преступление, последствия, экономическая деятельность, алкогольная продукция, спиртосодержащая продукция, незаконный оборот.

Article 171.3 of the Criminal Code of the Russian Federation was introduced in 2017 as a special norm in relation to the composition of illegal entrepreneurship (Article 171 of the Criminal Code of the Russian Federation). In 2023, this article was supplemented by part 1.1, which established criminal liability for the illegal circulation of tobacco, nicotine-containing products and raw materials for their production. This article will analyze the objective signs of the illegal production and (or) circulation of ethyl alcohol, alcoholic and alcohol-containing products, that is, in fact, the act enshrined in Part 1 of Art. 171.3 of the Criminal Code of the Russian Federation. Analysis of the object of the crime under Art. 171.3 of the Criminal Code of the Russian Federation allows us to conclude about its complex structure, aimed primarily at protecting the established procedure for legal economic activity and fiscal interests of the state, and not at protecting the life and health of citizens [1, p. 61–62].

This criminal law prohibition covers the sphere of illegal production and circulation of ethyl alcohol, alcoholic and alcohol-containing products, tobacco products, as well as nicotine-containing substances, which is an important part of the fight against crime in the field of economic activity. The main purpose of this norm is to protect legitimate businesses and consumers, as well as to curb corruption and the shadow economy in the country. Criminal liability occurs if individuals or legal entities are engaged in the production or circulation of these goods without an appropriate license or permit, when they are required by law. The application of this article allows you to effectively respond to cases when products are produced and sold that pose a danger to

the health of citizens or violate the rights of legal producers of alcoholic or alcohol-containing products.

In some cases, the illegal production and sale of alcohol and tobacco products can be used as a means of financing other criminal activities. This creates additional challenges for government agencies focused on blocking not only specific cases of violation, but also entire networks dealing with such cases. In each situation, an integrated approach is required, including both law enforcement measures and crime prevention. The key point in the implementation of the provisions of Art. 171.3 of the Criminal Code of the Russian Federation is the need to form a legal market. The licensing and control system must be effective enough to create obstacles to the deployment of a shadow economy, which ultimately causes significant harm not only to the economy, but also to the health of the population. In this regard, the active work of law enforcement and supervisory authorities, as well as the correct information policy, can help reduce the volume of illegal production and circulation of alcohol and tobacco products [2, p. 89].

Disposition Part 1 of Art. 171.3 of the Criminal Code of the Russian Federation contains an exhaustive list of such actions: production, purchase (including import), supply (including export), storage of transportation and (or) retail sale of ethyl alcohol, alcoholic and alcohol-containing products. The legislator uses mutually exclusive unions «and," «or," which creates some «blur» of disposition, since it is not clear whether the composition forms the commission of one of the actions or whether their combination is necessary [3, p. 216; 4, p. 256]. Analysis of judicial practice shows that the commission of even one of the listed actions forms a complete crime. However, if a person performs several interrelated actions (for example, purchase, storage, sale), then they are qualified as one crime, and not their totality. It is proposed to remove the unions «and," «or» from the disposition so that there are no discrepancies.

Thus, the objective side of the act by design is a formal composition and is expressed in the commission of one or more alternative actions (production, purchase, storage, transportation, retail sale). A prerequisite for criminal liability is the implementation of the listed actions within the framework of entrepreneurial activity, that is,

with the aim of systematic profit [5, p. 77]. This distinguishes crime from one-time violations and links the objective side with the purpose of committing a crime. And these actions should be performed without an appropriate license [2, p. 216].

A key enforcement issue is the «large-scale» criterion. The uncertainty of the legislative wording using the term «value» gives rise to a multiplicity of methods for calculating it and protracted discussions about the inclusion of excise and VAT amounts in it. This sets the stage for controversial jurisprudence and complicates the process of proof. We take the position that it is necessary to replace the term «value» with «actual income from the products sold.»

Analyzing the criminological aspects of the problem under study, we note that in terms of public opinion and social stereotypes, young people are often more vulnerable to the influence of advertising and the availability of illegal goods. Changing perceptions of alcohol and tobacco as a consumption culture in youth environments can lead to the formation of sustainable habits that are difficult to change in the future. Social norms related to the consumption of these products are becoming more vague, which requires attention from the state and public organizations, which should take initiatives on information education.

At the law enforcement level, there is a need for deeper analysis and legislative initiatives aimed at combating illicit trafficking. The effectiveness of countermeasures can be increased through international cooperation and exchange of experience with other countries where such problems have already been successfully resolved. Therefore, the relevance of legal analysis and the introduction of strict measures remains an important aspect in the fight against this phenomenon. Thus, the social consequences of the illegal production and trafficking of alcohol and tobacco are a complex problem affecting various spheres of society. To solve it, not only a legal framework is required, but also the active participation of all interested parties, including state bodies, public organizations and citizens themselves. The results of such efforts can lead to a decrease in crime rates, improved public health and stabilization of the economic situation. In conclusion, it should be noted that the state must consistently and purposefully improve

its regulatory measures to combat the illegal distribution of alcoholic beverages, including in the area of criminal law regulation.

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