УДК 347.51:340.115

Methodological and doctrinal bases of legal liability

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Ensuring legal legality and law and order, and fighting against offenses in a digital society put the problems of legal responsibility in the doctrinal, legislative and law enforcement sphere in order to update and effectively solve them.

The purpose of the article is to study problematic issues of legal liability in order to develop the main directions of improvement.

Material and methods. *The material was the legislative acts of the Republic of Belarus and foreign countries on the subject of research, the doctrines of leading experts in this field, the results of comparative victimological research conducted by the authors. Methods: dialectic-materialistic, general scientific, comparative, interpretation of law, legal modeling.*

Results and discussion. *The implementation of legal responsibility is the most important indicator of the viability of state and law, their legality and legitimacy.*

The new digital society needs a new doctrine, a memetic of legal responsibility that is legally fixed and effectively implemented through an electronic law enforcement mechanism.

Conclusion. *Analyzing the existing national and foreign experience, anticipating the trends of social development, it is necessary to update the intersectoral institute of legal responsibility and fill it with new conceptual, legislative and law enforcement content, while preserving the time-tested main provisions.*

Keywords: *responsibility, social responsibility, positive responsibility, negative responsibility, legal responsibility, state coercion, punishment, criminal liability of a legal entity, criminal misdemeanor.*

Методологические и доктринальные основы юридической ответственности

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Обеспечение правовой законности и правопорядка, борьба с правонарушениями в условиях цифрового общества ставят проблемы юридической ответственности в доктринальную, законодательную и правоприменительную плоскость с целью их актуализации и эффективного решения.

Цель статьи – изучение проблемных вопросов юридической ответственности для выработки основных направлений совершенствования.

Материал и методы. *Материалом послужили законодательные акты Республики Беларусь и зарубежных стран по теме исследования, доктрины ведущих специалистов в данной области, результаты компаративистского виктимологического исследования, проведенного авторами. Методы: диалектико-материалистический, общенаучный, компаративистский, толкования норм права, правового моделирования.*

Результаты и их обсуждение. *Реализация юридической ответственности выступает важнейшим показателем жизнеспособности государства и права, их легальности и легитимности.*

Новое цифровое общество нуждается в новой доктрине, меметике юридической ответственности, законодательно закрепленной и эффективно реализуемой с помощью электронного правоприменительного механизма.

Заключение. *Анализируя имеющийся национальный и зарубежный опыт, предвидя тенденции общественного развития, необходимо актуализировать межотраслевой институт юридической ответственности и наполнить его новым концептуально-законодательно-правоприменительным содержанием, с сохранением прошедших проверку времени определяющих положений.*

Ключевые слова: *ответственность, социальная ответственность, позитивная ответственность, негативная ответственность, юридическая ответственность, государственное принуждение, наказание, уголовная ответственность юридического лица, уголовный проступок.*

The problem of legal liability is traditionally one of the most controversial and exciting issues, relevant in theoretical and practical terms. Its solution determines the quality, degree of development of the legal system, compliance with laws, the effectiveness of crime combat, the level of law and order. It answers the questions: "who, for what, to whom, when, and to what extent is responsible?" It has had a long history of criminalization and humanization of society. Many of its aspects are interpreted in different ways: the concept, subjects, time, grounds, features, principles, conditions, types. The indicator

of effectiveness is the inevitability of liability, its legality and fairness. The legal literature deals with the problems of positive and negative liability, public and private, constitutional and legal, environmental, procedural liability, compensation to the victim, etc. Russian and Belarusian scientists raise the issues of fixing the concepts "criminal misdemeanor", "criminal liability of a legal entity" in the criminal code, the expediency of including public danger as a mandatory feature of an administrative offense, etc. In the conditions of digital transformation of public relations, there appears the issue of legal liability of electronic persons, robotic objects, and artificial intelligence units. Within the framework of electronic court and digital law enforcement, attempts are being made to create an automated mechanism that assigns certain types of legal liability without human intervention.

The task is to transform negative responsibility into positive, based on the fulfillment of duty, on moral values, legal conviction of the population in the legality and legitimacy of state power in the framework of interaction between the rule of law and civil society. We need to update the legislative regulation of legal liability (liberalization, criminalization), the definition of the subject (individual or collective), the object and content.

The purpose of the article is to study problematic issues of legal liability in order to develop the main directions of improvement.

Materials and methods. Doctrinal, legislative, comparative material of victimological research was analyzed on the basis of dialectical-materialistic, general scientific and private scientific methods.

Results and discussion. Freedom, justice, responsibility, duty, honor, conscience are fundamental, interconnected concepts that humanity is concerned with at all times. Through the prism of these spiritual and moral categories, we evaluate all our actions. History knows examples of selfless service to the Motherland, an idea, a family, a loved one, of impeccable fulfillment of one's duty, selfless courage, nobility and responsibility. In contrast, there are cases of egregious irresponsibility, cowardice, betrayal, meanness and indifference. A person, as an individual manifestation of socially significant qualities, correlates his behavior with his own motives and goals, the behavior of other people, their interests, needs and values.

The fight against corruption, the de-bureaucratization of the state apparatus, increasing responsibility and efficiency, strengthening order and discipline in work communities are a constant demand of the President of the Republic of Belarus and the government.

The regulatory system does not only provide the subject with rights and freedoms but also requires a responsible attitude from him. Fulfillment of certain duties implies efficient activity, volitional effort, exertion of mental and physical forces. Non-observance of the rules of behavior established in society entails responsibility.

The etymology of the word *responsibility* comes from the obligation, the need to respond, to account for one's actions and deeds, the onset of possible consequences for something. This is an obligation imposed on someone or taken by someone to report on any actions and the ability to take the blame for possible adverse consequences. A responsible person is a person endowed with rights, opportunities and, who, as a result, bears a certain responsibility. A subject is characterized by a highly developed sense of duty, conscientiously performing his duties. It is a person associated with understanding of the importance of something, meeting the requirements, zealously carrying out his duties.

Social responsibility is a set of mutual requirements for individuals, social groups, society and state regarding the implementation of established general rules of conduct. It has an objective, historically determined, country character, based on the characteristics of national culture, customs, traditions, religious beliefs.

According to the classics of Marxism-Leninism, one cannot live in society and be free from society. The regulation of community, the establishment of order following from the principles of legality and expediency, requires the establishment of a measure of responsibility. Its form and content depend on objective and subjective factors. Objective factors are dictated by social laws and regularities, the needs of economy, politics, national and cultural values. Subjective are associated with the level of maturity and activity of the subjective factor. For those in power, this is honesty, integrity, a desire to serve the people, for the governed, this is consciousness, discipline, willingness to conscientiously fulfill their duties. Responsibility is based on the performance of duties. Irresponsible conduct leads to anarchy, chaos, outrage and death. Responsibility compels enforcement, acting as the main means of preserving a whole and a part.

An objective prerequisite for the implementation of social responsibility is the regulation of activities carried out through a system of rights and obligations. Its purpose is to combine the interests of various actors to create a regulated order. The subjective prerequisite is associated with an awareness on an individual level of the need for responsibility and submission to accepted rules of behavior, traditions, customs and rituals. It involves freedom of choice, will and activity of the individual.

The development of society in conditions of unpredictability, risk, entropy (regulated chaos), the interconnection, interdependence of all elements of the global world system, significantly increases the price of decisions, the degree of social responsibility of each subject. Often the collapse of one link of the public pyramid leads to the collapse of all links. The manager's irresponsible decisions cost the life, health, property, the fate of hundreds and thousands of people, their well-being and mood.

The commercialization of social relations leads to their individualization, the loss of the moral component. It is necessary to distinguish the Protestant ethics of civilized capitalism with its enterprise, profitability, honesty, punctuality, personal responsibility, designed for the future and Marxist ethics with its predation, callous attitude, the cult of the "golden calf", the desire to make profit here and now without thinking about tomorrow, which generates irresponsibility at the individual and social level. At the same time, the nature of capitalism, which at 100% profit violates all human laws, and at 300% could commit any crime, if not threatened by the gallows, has not been changed [1, p. 770].

Assignment of responsibility is the implementation of established rights and obligations aimed at maintaining peace, order, stability in society, creating conditions for prosperity and progress. It makes one account for violating social norms, makes a person disciplined and organized, and threatens with unfavorable consequences and deprivations. The spiritual foundations of responsibility are decency, conscience, faith and justice.

Social responsibility is a complex, multidimensional category, characterized by historical, philosophical, moral, religious, legal content. It is relevant in theoretical, methodological and practical terms. It has generic, species, institutional, and specific characteristics.

Its meaning is not only the consolidation of existing orders, but also the adherence to social, national, moral, religious ideals and universal values, implying responsibility to God, history, people, country, party, the younger generation, family, etc. Responsibility is aimed at maintaining legal continuity, encouraging, stimulating socially useful behavior and condemning, punishing, blocking antisocial behavior. It is closely related to the compliance with order, discipline, organization, generally binding rules of conduct, a system of traditions and priorities.

The following types of social responsibility are distinguished – historical, political, civil, legal, moral, religious, corporate, party, professional, material and spiritual, internal and external, authorities and people, the state and the individual, parents and children, etc. It exists at the individual, family, group, class, social, national, regional, world levels.

Social responsibility is defined in positive (prospective) terms. Prospectus, translated from English, means the future, program, plan of something. Some authors speak not about prospective, but perspective responsibility. It is the opposite of the negative (retrospective – from Latin).

Positive responsibility is seen as service, the true purpose of a person, duty, the fulfillment of creative potential, the realization of the makings, abilities, meaning of life, the performance of one's duties. It assumes responsibility for the fate of the country, the future of children, conscientious performance of professional duties. A positive responsibility lies in the embodiment of the plan laid down by God, nature, parents, the humanistic purpose of man. It is characterized by a positive orientation of the subject's attitude to committed acts in the future. It does not have so much legal, but rather deep spiritual, moral, religious content, and is typical for the majority of the population, as it unites society into one organic whole. It is deeply rooted in the human psyche as a bio-psycho-social being, based on imperative-attributive experiences (L.I. Petrazhitsky).

Positive responsibility is based on universal human values: moral (the concept of good, evil, conscience, justice, humanism); civil (a sense of patriotism, love for the Motherland, an active life position), religious (faith in God, heaven, hell, love of one's neighbor, compassion, humility), legal (legitimacy, legality of law, democracy of state power, principle of formal equality, presumption of innocence). There is a directly proportional relationship between the level of morality, citizenship, religiosity, the legal development of society and the level of its responsibility. Positive responsibility is based on legal conviction, skills of lawful behavior, social activity. Retrospective – on a system of punishments, deprivations, restrictions and rewards. It should be noted that at the constitutional level the state and its citizens assume mutual social responsibility for what is happening in the country.

Article 2 of the Constitution of the Russian Federation states that the recognition, observance and protection of human and civil rights and freedoms is the duty of the state. Article 2 of the Constitution of the Republic of Belarus proclaims that the state is responsible to the citizen for creating the conditions for the free and dignified development of the individual, and the citizen is responsible to the state for the strict fulfillment of the obligations imposed on him by the Constitution.

The basic law emphasizes the responsibility of state bodies and individuals performing public

functions for actions that violate the rights and freedoms of the individual (Article 59). The Government of the Republic of Belarus in its activities is accountable to the President of the Republic of Belarus and is responsible to the Parliament (Article 106).

According to Article 3 of the Constitution of Turkmenistan, the state is responsible to every citizen and ensures the creation of conditions for the free development of the individual, protects life, honor, dignity and freedom, personal inviolability, natural and inalienable rights of a citizen. Each citizen is responsible to the state for the fulfillment of the duties entrusted to him by the Constitution and laws. In terms of responsibility and significance, the obligation of the state and an official is higher than that of an individual and a group, and in terms of volume, potential, source the latter play a decisive role.

In practice, most often we are to speak about the responsibility of a citizen, organization and much less often about that of the state. The state's failure to fulfill its obligations undermines the faith of citizens in the justice of the authorities, respect for democracy, promotes unlawful behavior, reduces the level of social activity, weakens the active life position.

In legal literature one can come across such terms as responsible decision, responsible post, responsible employee, responsible position, authority or official authority. In the Civil Code of the Republic of Belarus there are concepts of a limited liability company, a company with additional liability, liability for violation of obligations, subsidiary liability, etc.

A special type of social responsibility is legal responsibility. It is believed that the institution of legal liability took root from the foundations of Roman law of obligations.

Legal responsibility involves answers to the questions: who, what for, to whom, to what extent is responsible. Individual and collective entities, teams, states, the world community, individuals, legal entities are held accountable. However, society did not come to this immediately. Such a remnant of the primitive communal system as anthropomorphism – humanizing objects and natural phenomena, endowing them with the physical and spiritual qualities of man, – has been preserved for a long time. So, in antiquity and the Middle Ages not only people were held liable, but also animals and objects. For example, in the VII–VI centuries BC. in ancient Greek city-states animals, stones, and metal tools (knives, axes, swords) that caused death without the proven involvement of a human hand could be sued. If the guilt was proven, the animal was killed, and inanimate objects that were considered "criminals" after certain rituals were thrown out of Attica. Among the ancient Greeks, there was a legend according to which, until the guilty was punished and removed from the country (even if it was a spear, an axe or a stone), the souls of the dead wander among close relatives and fellow citizens, sit on their neck, strangle them, unleash plague and other misfortunes upon the city. This continues until the murder is avenged [2, p. 87]. It is known that the Persian king Xerxes, who wanted to conquer Greece, ordered to whip the sea for the destruction of the crossing by sea waves.

On November 12, 1623, the uprising in the city of Vitebsk, caused by the forcible conversion of the Orthodox population to the Uniate faith, resulted in the assassination of the Uniate Archbishop Iosafat Kuntsevich. The uprising began at the signal of the bells of the Town Hall and the Russian Orthodox churches and was put down. The city was deprived of Magdeburg law and the rebels were subjected to severe punishment

In memory of Josaphat Kuntsevich, all the bells were moulded into one, on which the inscription "about this atrocity" was made. The bell was handed over to the Prechistensky Cathedral Church, where the deceased Archbishop was put to death. The churches were allowed to have bells only with the consent of the Kiev Metropolitan [3, p. 123–124].

Interestingly, in 1405, a bull was hanged in France for goring a man. In Slovenia in 1864, the last death penalty on animals took place [4, p. 314].

Responsibility for guilt, as a rule, was imposed on the individual, but could have a collective character and also apply to the family, commune, community of people. So, according to ancient Roman law, all slaves living in the house were subject to death for the murder of a slave owner. During the suppression of slave uprisings, all slaves in the areas involved in the uprising were executed, regardless of their guilt. Thus, having captured, thanks to treason, the rebellious Sicilian city of Taurus, the Romans subjected all the slaves in the city to sophisticated torture, and then threw them from the fortress wall, sparing neither women nor children [2, p. 136, 158].

According to Russkaya Pravda, the whole family of an outlaw was given up for looting. If a murdered person was found on the territory of the community, then all members paid the "common fine". In ancient China, for serious crimes such as treason, rebellion and conspiracy, collective responsibility extended to the kin of father, mother and wife. In the beginning, the offender was responsible to the victim and his relatives ("golovshchina" according to "Russian Pravda" as a fee for the relative of the murdered man's head), then they paid a fine (vira) to the state represented by the prince.

Then criminal and administrative liability to the state was envisaged, which was related with the compensation of material and moral harm to the victim.

In Stalin's times, besides the "enemies of the people", responsibility was also borne by their sons and children. A lot of restrictions were introduced for children of the "enemies of the people".

It is known that on the territory of the Grand Duchy of Lithuania until the middle of the XVth century state crime punishment extended to all family members. According to the Privilege of Casimir of 1447 and the Judicial Code of Casimir of 1468, the principle of objective imputation of guilt was limited, in accordance with which an attempt was made to individualize punishment and establish personal responsibility.

The problem of compensation for harm to the victim is currently not fully resolved and requires additional research. The data of the victimological survey in the Russian Federation and the Republic of Belarus, conducted under the guidance of the authors, show that up to 70% of victims of crimes did not receive compensation for material damage caused by the crime through the court.

The analysis of criminal cases examined by the courts of the Vitebsk and Smolensk regions showed that the damage caused by the crime was not compensated within the criminal cases examined in relation to 34% of Russian and 37% of Belarusian victims [5, p. 249–334].

The head is responsible for the fate of the enterprise or institution, and the occupation of some posts requires verification not only of the applicant, but also of his close relatives. Fear of legal responsibility by heads of organizations, institutions, executive authorities, ministry employees, their unwillingness to take risks, make independent decisions, fetters their activity, initiative, artificially creates a shortage of leading personnel.

The problem of legal liability for most members of society is of practical relevance. According to some foreign criminologists, 80–90% of people at least once in their life commit acts prohibited by the criminal code [6, p. 603]. Almost 100% of the adult population commits offenses. Thus, each person throughout his life is repeatedly brought to legal liability. He must know his rights and obligations.

Debatable is the question of the appropriateness of dividing legal responsibility into positive (realized in lawful behavior) and negative (law enforcement, realized through the implementation of sanctions of the legal norm), considered as a legal reaction of the state to a committed offense. Positive legal liability is associated with the obligation to comply with legal requirements. Being voluntary, the most common, it makes up the main element of socially significant behavior and is characteristic of most members of society. It is part of social responsibility and assumes a positive orientation and unity of its main types. It is based on moral and religious norms.

The basis of prospective legal liability is a deep awareness of the validity of legal requirements. Willingness to fulfill legal duties is based on belief in their legality, validity, sense of duty, legal conviction, positive, approving attitude of citizens to state public authority and the legal system. Positive responsibility as a duty and obligation to society and the state means that the subject understands justice and the need to fulfill social requirements, the deprivations that he will have to endure if he does not cope with the tasks assigned to him and is not ready for their fulfillment [7, p. 489].

A measure of positive legal responsibility is subjective rights, legal obligations, legal interests, as the manifestation of freedom of the individual and society [8]. It harnesses the potential of the state and civil society, requires the voluntariness, consciousness and conviction of citizens, their social and legal activity and initiative. An obligation is understood as requirements imposed on someone, and providing for certain acts (action or inaction), unconditional for fulfillment (obligation of the organization, obligation of parents, obligation of the state, duty of a citizen).

This is a measure of the proper (necessary) behavior of the subject as the bearer of the obligation to commit actions prescribed by law, or to refrain from actions. In this case, the obligation is regarded as a type of legal relationship in which one person is obliged to perform certain actions in favor of another (debtor in favor of the creditor, defendant in favor of the plaintiff). Often duty is interpreted as a synonym for responsibility.

Subjective law is interpreted as the possible, most beneficial behavior of a person within the authorizing norm. The obligation of the state, state body, official, organization, person automatically implies legal liability in case of non-compliance. For civil servants, improper fulfillment of their rights, or abuse of their right, official duties is the basis of legal liability.

There are no rights without duties and obligations without rights. For their implementation, the activities of the subjects are required. Therefore, the content of legal relations is not just a totality of subjective rights and legal obligations, but the activity of the parties aimed at their implementation. At the same time, both the authorized and the obliged parties have the right and obligation.

The use of rights involves the performance of duties. According to Article 24 of the Constitution

of the Republic of Belarus, everyone has the right to life. The state protects human life from any illegal encroachment. In turn, the protection of the state is the obligation and sacred duty of a citizen of the Republic of Belarus (Article 57).

Thus, the principles which act as a measure of positive legal responsibility for participants in civil relations are the rule of law, the social orientation of the regulation of economic activity, the priority of public interests, the equality of participants in civil relations, inviolability of property, freedom of contract, good faith and reasonableness, etc. (Article 2 of the Civil Code of the Republic of Belarus).

For example, the Code of Criminal Procedure (CCP) of the Republic of Belarus establishes the procedure for the activities of bodies conducting criminal proceedings, as well as the rights and obligations of participants in criminal proceedings (Article 1).

Proponents of positive legal responsibility advocate deep reconsideration of the theory and practice of this social institution. Filling the norm of law with spiritual content, the conviction of the population in the legitimacy, democracy of public authority, the justice and inevitability of responsibility, the automation of the work of the law enforcement mechanism creates the prerequisites for the effective implementation of the functions of the state and law.

It is impossible to ensure negative liability only by punitive measures without the willingness of the population to take positive legal liability. If the state apparatus is mired in corruption and merged with the mafia, there is no clear law enforcement mechanism, and the majority of the population does not comply with the law, it will be impossible to implement legality, establish the rule of law and achieve legal liability. Undoubtedly, the consideration of legal responsibility by supporters of the positive direction will help to understand this complex and multifaceted phenomenon better, to identify the mechanism, stimulating factors of mass lawful behavior, and outline a system of educational activities.

Critics of the theory of positive responsibility come from the fact that legal responsibility cannot be a speculative, abstract institution. An attempt to give legal responsibility a positive (perspective) meaning, in their opinion, will lead to the dissolution, confusion of legal responsibility with other types (social, civil, moral, religious), the loss of its specificity [9, p. 631–632].

They proceed from the fact that legal liability is in a causal relationship with the offense and its symptoms (wrongfulness, deed, guilt, punishment). Responsibility comes only for specific committed acts prohibited by the rule of law. Therefore, legal responsibility cannot be considered in a positive way, it exists only in the negative [10, p. 710–712], although it is possible to speak about spiritual aspects, the subjective side of the offense. The task of law enforcement is to focus attention on the fight against offenses, their prevention, the inevitability of negative legal liability associated with punishments and restrictions. Its execution is based on deprivation, penalties, traditions, habits.

The concept of "legal" in domestic and foreign legal literature is interpreted differently. There is no universally accepted definition.

Often legal liability is defined as a measure of state coercion, based on legal and social condemnation of the behavior of the offender and expressed in the establishment of certain negative consequences for him in the form of restrictions. Some authors characterize it as the offender's subjective duty to undergo the unpleasant, punitive consequences of guilty illegal behavior [11, p. 361]. Others consider that legal responsibility is regulated by law and caused by the offense, the law enforcement relationship between the state represented by its special bodies and the offender, who is entrusted with the obligation to undergo appropriate deprivation and adverse consequences. On the one side of legal responsibility are authorized state bodies (court, prosecutor's office, police, administration of enterprises and institutions) that have the legal capacity to influence measures, and on the other – an offender, as a required party, undergoing deprivations of personal, organizational and property character [12].

Legal liability is also regarded as applying to offenders coercive measures prescribed by law in the established procedural order. It is defined as the occurrence of legal consequences associated with the compulsory performance of duties caused by the implementation of the sanction of a legal norm. It is understood as a set of legal norms that presuppose the type, measure, conditions of occurrence and implementation of state coercion for a committed offense [13, p. 704]. It includes compulsory duty, the onset of law enforcement between subjects, the use of authority; state coercion; impact measures, punishment system; adverse consequences for the offender.

Most researchers agree that legal responsibility should be understood as state coercion to fulfill the requirements of law, legal relationship, where the obligated party is responsible for its actions to the authorized party, state, organization. As a rule, the offender does not wish to bear this obligation and does not expect to be established in that capacity and penalized. This is a legally established system of legal punishment measures.

Legal liability is a state-established measure of legal influence on an offender with adverse consequences for him. According to the legislation of the Republic of Belarus, criminal liability is the conviction of the person who committed the crime and the application of punishment on the basis of conviction. The conviction is the basis for the recovery of property damage and material compensation for non-pecuniary damage (Article 44 of the Criminal Code (CC) of the Republic of Belarus). Only the Criminal Code of the Republic of Belarus is the normative base in the territory of the state for criminal liability (Article 1 of the Criminal Code).

The basis and condition for administrative liability establishing administrative penalties is an administrative offense. The Code of the Republic of Belarus on Administrative Offenses (CAO) is the only legal source providing for administrative liability (Article 1 of the CAO). Personal restrictions may include correctional labor (Article 6.6 of the Code of Administrative Offenses), restriction of freedom (Article 55 of the Criminal Code), administrative arrest (6.7 of the Code of Administrative Offenses), imprisonment (Article 67 of the Criminal Code), etc.

Examples of organizational deprivations are restrictions on military service (Article 53 of the Criminal Code), termination of an employment contract on the initiative of the employer if the employee systematically fails to fulfill his duties without good reason and if the employee has previously been subject to disciplinary measures (Article 42.4 of the Labor of the Code (TC) of the Republic of Belarus, demotion in the class of a civil servant for a term of up to six months (Article 57 of the Law "On Civil Service in the Republic of Belarus" dated 14.06.2003 No. 204-3), deprivation of the right to occupy certain posts or engage in certain activities (Art. 430 of the Criminal Code).

Property restrictions may include a fine (Article 6.5 of the Code of Administrative Offenses), confiscation of property (Article 61 of the Criminal Code), compensation for damage (Article 933 of the Civil Code of the Republic of Belarus (CC), forfeit, pledge, deduction, etc., if obligations are improperly fulfilled (Articles 311, 315, 340 of the Civil Code).

The onset of legal liability is preceded by a sanction of a legal norm stipulating the obligation not to commit unlawful acts entailing negative consequences. A legal obligation implies legal liability and is impossible without it.

It is generally recognized that legal liability, unlike other types of liability, is more specific and regulated in material and procedural terms. It has a more diverse, inevitable and strict set of punishments in comparison with other forms. It is directly related to state coercion, the fulfillment of the will of the legislator, the practical application of sanctions established by law against the offender. All the power of the state machine, ideological and educational apparatus are working on its implementation. There are no irresponsible legal norms. Therefore, the legal structure of a legal norm is always a hypothesis, disposition and sanction, backed up by responsibility. Without sanction, the norm is powerless. Without the implementation of legal responsibility, a legal system cannot exist.

Legal responsibility, on the one hand, based on objective law, expressing social trends and interests, is objective and comes inevitably, regardless of the will and desire of both the victim and the law enforcer, on the other hand, it requires activities of both the applicable authorities and the conscious attitude of offenders who recognize the law and justice of punishment.

The objective nature of legal liability is manifested in a normative, factual, law enforcement basis, measures of state coercion and enforcement. The legal basis is the rule of law, where its sanction provides for legal liability for the unlawful, guilty act of a person held liable for a crime and an enforcement act (court sentence, rector's order for disciplinary sanction). The factual basis is the composition of the offense (object, subject, objective and subjective side). Only the unity of the legal and factual basis is the objective reason for the inevitability of legal liability. An offense is a complex legal fact, the starting point for legal liability. It gives rise to protective legal relations and responsibility of the person who committed it.

State coercion is the imperious influence of special state bodies and officials aimed at the enforcement of legal requirements through the enforcement mechanism. The use of coercion is legally regulated, procedurally determined and mandatory for implementation.

State coercion is not only to ensure the exercise of legal responsibility, but also to create the conditions for its occurrence, including measures of prevention, protection, and preventive measures. Preventive measures include verification of documents, administrative supervision of persons released from prisons, seizure of property and other measures of restraint – recognizance not to leave the place of residence, personal guarantee, bail, house arrest and detention. Protection measures are invalidation of a transaction, debt collection, alimony, reinstatement in one's job, crime prevention [14, p. 490–491].

The subjects of state coercion are the court, the prosecutor's office, the militia (police), executive bodies, the administration of various state institutions, authorized officials specially involved in the consideration of cases of offenses.

Legal liability is always associated with certain deprivations, i.e. it is accompanied by causing the perpetrator negative consequences aimed at depriving, infringing or restricting his personal, property and other interests. Deprivation is a natural reaction to social danger, harm, caused by the offender to society, the state, the individual. It is caused, generated by a committed offense. The offender is either deprived of material and spiritual goods, or their bulk decreases.

Thus, legal responsibility, sanctioned by a legal norm, is defined and personified, and acts as a compulsorily performed obligation arising in connection with an offense and implemented in a specific legal relationship.

There are various approaches to the issue of the time of occurrence of legal liability: from the moment the offense was committed; from the moment the offender is identified; since the entry of the enforcement act into force [14, p. 496].

In theory, the onset of legal liability is assumed from the time of the commission of the offense, which has signs of unlawfulness and punishability, and automatically results in the corresponding protective legal relations. In practice – from the moment the objective fact of the offense is established by the competent state bodies or officials, the adoption of the enforcement act and the prosecution of a specific person.

Speaking of legal responsibility as an obligation to be responsible for a committed offense, one should distinguish between its objective and subjective premises.

Objective – the existence of a rule of law that protects public relations, violations of which are illegal. Subjective – freedom of will and freedom of action of the individual, because without them there is no guilt, without guilt there is no responsibility for the wrongful act. A person deprived of free will cannot be prosecuted. It is impossible to consider the innocent responsible (presumption of innocence).

Legal liability may be borne by a person established in the legislation, who has the ability to realize, understand, control his activities, and bear responsibility for the offense committed. The person must be a legal personality (legal and competent), of a certain age, sane, personified (legally fixed), i.e. able to be legally responsible. Signs of legal liability:

• the grounds for its occurrence and termination, time, extent, boundaries, are fixed in substantive and procedural law. So substantive law describes the concept of an offense, its signs, sanctions, and procedural law describes the process of proving, establishing the fact of an offense, determining the extent of the harm caused and measures of state coercion [15, p. 593–594];

• the presence of a sanction of a legal norm;

• caused by an offense, as its legal consequence;

• aimed at legal condemnation of the entity that violated the legal order;

• is a certain burden commensurate with the public danger, the damage caused and the amount of guilt;

• acts in the form of an unlawful[1], act (action or without action[2]) of the offender.

Sometimes a single act gives rise to several types of legal responsibility. For example, an accident may result in administrative, criminal and civil law (property) liability;

• comes due to law enforcement activities of competent state bodies and officials (law enforcement act);

• has a strictly established procedural form;

• expressed in the onset of certain negative consequences for the offender of a personal, property, organizational nature;

• being a reaction to past behavior, it has a present and future focus, since its action is not only a fair retribution for a violated right, but also a means of education, prevention of future offenses.

Thus, legal liability is a legal relationship arising from an offense between the state represented by its special bodies and the offender, who is obliged to undergo appropriate deprivations and adverse consequences for the offense that violates the requirements of the rule of law. This is a measure of due, compulsory behavior of the subjects, forcibly provided by the state.

Another issue under discussion is the problem of bringing legal entities to criminal responsibility. Criminal liability of legal entities is valid in all countries of the Anglo-American legal system, as well as in the European Union, in a number of Muslim countries (Syria, Lebanon, Jordan), China, partly in Latvia, Lithuania, Estonia, Georgia, Moldova, Ukraine, and since 2019 in the Kyrgyz Republic (with the

[1] According to article 948 of the Civil Code of the Republic of Belarus, civil liability is possible in the absence of the causer of harm to legal entities and citizens whose activities are associated with increased danger to others (use of vehicles, mechanisms, high-voltage electricity, nuclear energy, explosives, strong poisons, etc.; carried out construction and other related activities, etc.). They are obliged to compensate for the damage caused by the source of increased danger, if they do not prove that irreparable damage or intent of the victim was caused during the investigation. (Commentary to the Civil Code of the Republic of Belarus: In 2 books. B. 2. Minsk: Amalfea, 1999. P. 445–446).

[2] The Criminal Code of the Republic of Belarus contains 26 articles of unlawful inaction that entails legal liability. For example, article 159 "Leaving in danger", article 161 "Failure to assist a patient", article 175 "Evasion of children from parents' maintenance", article 220 "Neglect of property protection", article 300 "Improper storage of firearms", article 307 "Failure to rescue people", article 423 "Default judgment, decision or other judicial act".

introduction of the new Criminal code). In Austria, Albania, Spain, Mexico, and Peru, a legal entity is not formally recognized as the subject of a crime, but various criminal sanctions can be applied to it. This issue is being actively discussed in Russia. Thus, it is proposed to introduce criminal liability of legal entities for corruption crimes, crimes related to the financing of terrorism and extremism, the legalization of criminal income, the organization of illegal migration, in the field of tax evasion, monopoly collusion, in the implementation of illegal schemes for the withdrawal of capital abroad, etc. Basic and advanced criminal sanctions of a legal entity are suggested, which are warning, fine, deprivation of license, quotas, preferences, privileges, deprivation of the right to get engaged in certain activities, prohibition on carrying out activities on the territory of the state, compulsory liquidation [16, p. 105].

In order to humanize the criminal law, the issue of the appropriateness of fixing the concept of "criminal offense" in the Criminal Code of the Republic of Belarus is being discussed. Criminal misdemeanor is found in the legislation of many foreign countries: France, Italy, Austria, Belgium, Switzerland, Germany, Kazakhstan, and others. It is proposed that crimes that do not pose great public danger should fall under the category of criminal misdemeanor. According to the analysis of articles of the criminal legislation of the Republic of Belarus, their number is about 35%, containing more than 80 elements: libel, insult, petty theft, infliction of minor injuries, illegal hunting, negligence, etc. It is planned to consider them in a simplified mode, while punishment is not associated with imprisonment, and the person who committed the offense will not be considered a criminal

Russian literature raises the issue of reducing the age limit of criminal responsibility (due to the acceleration of the younger generation) to 12 years of age due to the large number of serious and especially serious crimes, including murders committed by minors. It is known that in the criminal law of the Russian Empire of the XVII–XVIII centuries, the subject of the crime was a person who had reached the age of 10 [17, p. 440]. Life expectancy was significantly shorter, and the period of adulthood came earlier. Even if we do not take into account historical and civilizational factors, from the point of view of common sense, this proposal is unlikely to be justified and appropriate.

Conclusion. The inevitability of legal liability is the main condition for establishing legality, law and order, well-being and prosperity of society. The implementation of the social contract between the government and the people requires a clear record in the normative legal acts of the state's responsibility for the fulfillment of social obligations. This implies the personal legal responsibility of elected and appointed senior officials.

Legal responsibility requires the delegation of some authority and responsibility from a legal state to a legal civil society. It is necessary to clearly differentiate responsibility depending on the public danger, the composition of the offense, social consequences, the form of guilt, the degree of authority of its subjects.

Founded on the principles of legality, justice, and the inevitability of punishment, legal liability is increasingly turning from negative to positive, based on duty, consciousness, responsibility, and the inner conviction of its bearers in justice, validity, and expediency. It is necessary to develop a doctrine of responsibility for the digital society, artificial intelligence and robotics. We need to create flexible legislation that reflects the social realities and needs of the time.

It is necessary to develop at the doctrinal and legislative level the memetics of legal responsibility (ideas, theories, signs, texts, information) revealing its essence, functions, role and mechanism of "infection" of society in order to prevent offenses and strengthen the legal rule of law.

The cross-border nature of crimes makes it necessary to unify the rules of international law affecting the mutual legal responsibility of states. This applies primarily to the combat against terrorism, arms trade, drugs, cybercrime, criminal liability of legal entities, the emergence of previously unknown offenses in the field of high technology, etc. The comparative legal method allows analyzing doctrinal, legislative and law enforcement positive developments of foreign countries in the field of legal regulation and legal responsibility in the areas of artificial intelligence and robotics, the use of psychoactive substances, protection of personal database, human trafficking, forced marriage, organ transplantation, etc. It is necessary to create a unified, clear, automated mechanism of legal responsibility.

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Поступила в редакцию 13.07.2020