

Andrieshin V.V. Signs of subjective part of offenses related to the use of authority. Concept of «quasi-corrupt crime». The article deals with the analyze of the characteristics of the subjective side of the offenses related to the use of authority, and attention is paid to their specificity. In particular, substantive features, forms and volume of wine, purpose orientation and determining influence of motives of these crimes are investigated. Criminal misuses by officials are characterized by actions that can be committed only intentionally, and in most cases the intent is straightforward. Mental attitude to socially dangerous consequences in these crimes can be both intentional and careless. Purpose and motive, depending on the articles formation, are mandatory for separate crimes. In most cases, the purpose of these crimes is to gain wrongful advantage (bribe), and the motive is selfish. Each time for the correct criminal qualification we need to establish a mental attitude of official to all signs of the crime – install the volume of wine.

Also, the author proposes to use the concept of "quasi-corrupt crime" in the theory. The author suggests that this is the fraud which includes all its general characteristics. Its specificity is that under certain circumstances it takes on conditional and superficial properties of a corruption offense. However, essentially it is not a corruption offense. In such case, corruptive character is provided through fraud in the misuse of powers or promotion of abuse, which does not actually occur and cannot be embodied in future. And the guilty person must be fully aware of all this.

Attention is also paid to the problematic aspects of law enforcement practice and ways to solve them are suggested. Also, the author notes on the inability to prosecute twice, that becomes a violation of «ne bis in idem» principle, which is fixed in Article 4 of Protocol 7 of Convention for the Protection of Human Rights and Fundamental Freedoms.

Keywords: subjective side of the crime, official, service crime, abuse, official authority, corruption, quasi-corrupt crime.