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EXPEDIENCY AS A PRINCIPLE OF CRIMINAL LAW

The purpose of this article is to explore the essence of the principle of expediency in criminal law. Thus, in its origin and meaning the principles are objective (their formation is influenced by the political and economic situation in the country, the level of legal consciousness, legal culture, etc.). At the same time, we can not deny the fact that the observance and implementation of the principles of law depend on the actions of specific subjects, i.e. they are subjective.

Thus, we agree with S.H. Kelina and V.M. Kudryavtsev in the statement that the closer the subjective choice of the legislator to objective laws of social development, the more effective this legal system will operate. It should also be noted that, unlike the rules, the principles of law are more resistant and stable, they are fundamental. At the same time the principles are affected by historical processes that occur in the state.

To summarize, it should be noted that although the expediency complies with all signs of principles of criminal law, in the literature there is the opposite view regarding the admissibility of researched principle in the system of principles of criminal law. According to T.R. Sabitov, the reason for this, perhaps, was the identification of the expediency with lawlessness and arbitrariness in criminal prosecution, which have nothing to do with the studied principles. Therefore, further areas of scientific studies can be research of the correlation of the principle of expediency of criminal law and the principle of legality and other principles of criminal law.

