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THE MAIN TYPES OF PUNISHMENTS
NOT CONNECTED WITH ISOLATION FROM SOCIETY,
AND THEIR CONTENT UNDER THE CRIMINAL CODE OF QATAR
(COMPARATIVE LEGAL ANALYSIS
WITH CERTAIN NORMS OF RUSSIAN LEGISLATION)

ОСНОВНЫЕ ВИДЫ НАКАЗАНИЙ,
НЕ СВЯЗАННЫЕ С ИЗОЛЯЦИЕЙ ОТ ОБЩЕСТВА,
И ИХ СОДЕРЖАНИЕ ПО УГОЛОВНОМУ КОДЕКСУ КАТАРА
(СРАВНИТЕЛЬНО-ПРАВОВОЙ АНАЛИЗ
С ОТДЕЛЬНЫМИ НОРМАМИ ЗАКОНОДАТЕЛЬСТВА РОССИИ)

Abstract. The article provides a comparative legal analysis of a number of norms of Qatari Criminal legislation, as well as Russian Criminal and Penal legislation. The types of punishments not related to isolation from society and their content under the Criminal Code of Qatar are considered in the article. In addition, attention is drawn to the system and content of individual punishments (in the form of fines and public works). The author's version of Article 63 of the Criminal Code of Qatar is formulated; it concerns the main types of punishments and their content. Based on the conducted research, the authors conclude that the main types of punishments not connected to isolation from society and their content have significant specifics under the Criminal Code of Qatar, and in some cases relate to issues of punishments execution (which in Russia are regulated in the Penal legislation). This determines the need for further research of the Criminal Code of Qatar and its comparative analysis with Russian legislation.

Keywords: the Criminal Code of Qatar, the system of penalties, fine, public works.

Аннотация. В статье проводится сравнительно-правовой анализ ряда норм катарского уголовного законодательства, а также российского уголовного и уголовно-исполнительного законодательства. Рассматриваются виды наказаний, не связанные с изоляцией от общества, и их содержание по Уголовному кодексу Катара. Дополнительно обращается внимание на систему и содержание отдельных наказаний (в виде штрафа и общественных работ). Формулируется авторская

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редакция ст. 63 Уголовного кодекса Катара, касающейся указанных основных видов наказаний и их содержания. На основании проведенного исследования авторы приходят к выводу о том, что основные виды наказаний, не связанные с изоляцией от общества, и их содержание имеют существенную специфику по УК Катара, а в ряде случаев касаются вопросов исполнения наказаний (которые в России регламентированы в уголовно-исполнительном законодательстве). Это предопределяет необходимость дальнейшего исследования УК Катара и его сравнительного анализа с российским законодательством.

Ключевые слова: Уголовный кодекс Катара, система наказаний, штраф, общественные работы.

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Скиба, А. П. Основные виды наказаний, не связанные с изоляцией от общества, и их содержание по Уголовному кодексу Катара (сравнительно-правовой анализ с отдельными нормами законодательства России) / А. П. Скиба, А. В. Ковш, А. Н. Мяханова // Международный пенитенциарный журнал. – 2020. – Т. 2(1–3), № 1. – С. 53–57. – DOI : 10.33463/2712-7737.2020.02(1-3).1.053-057.

The Arabian Peninsula is a place of concentration of States that solve numerous political, military, economic, religious, cultural and other problems both in this region and around the world. One of these States is Qatar – one of the world's largest gas and oil exporters; the legislation study of which, including Criminal legislation, is at an unacceptably low level in our country. That is why, it is relevant to study, among other things, the types of punishments and their content under the Criminal code of Qatar (hereinafter – CC of Qatar). Publications concerning the legislation of this country or the fight against crime are not numerous (Artemov, V. Yu. 2018, pp. 131–134; Volevodz, A. G. 2015, pp. 262–282; Kvashis, V. E. 2019, pp. 5–10). This article uses the author's translation of norms in CC of Qatar from Arabic to Russian with an approximation to Russian terminology, although it may be adjusted later as the issue is studied. (<https://www.wipo.int/edocs/lexdocs/laws/ar/qa/qa010ar.pdf>, viewed 1 February 2020).

Article 57 of CC of Qatar (amended in 2009), which provides a list of criminal penalties, is structurally included in Chapter 1 «Basic punishments» (Articles 57–63), Part 6 «Punishments» (Chapter 2 of this part «Additional punishments» includes Articles 64–78). The main types of punishments under Qatar Criminal legislation are: death penalty; life imprisonment; fixed-term imprisonment; fine; community service.

It is obvious that the Qatar system of criminal punishment is very different from Russian, as prescribed in Article 44 of the Criminal Code of the Russian Federation (hereinafter – CC of Russia). Several of its features can be distinguished:

- the most lenient type of punishment is public work (not a fine, as in Russia);
- punishments are arranged in the opposite order to the Russian one – from the most severe (death penalty) to the most lenient (community service);
- there are no such basic punishments applied in Russia as deprivation of the right

to hold certain positions or engage in certain activities, forced labor, restriction of freedom, including punishments applied exclusively to military personnel (detention in a disciplinary military unit and restriction on military service).

CC of Qatar briefly reveals the content of these punishments. Penalties not related to isolation from society are: fines and public works.

First, Article 63 of CC of Qatar deals with general issues of execution of both fines and public works, despite the fact that they represent different main types of punishments (a similar situation is with the regulation in Article 60 of CC of Qatar of punishments in the form of life imprisonment and imprisonment for a certain period). In contrast to the specified norm of CC of Qatar, in CC of Russia various articles are devoted to a fine and mandatory work (a conditional analog of Qatar public works) in Articles 46 and 49. This, in our opinion, seems more logical.

Second, according to Article 63 of CC of Qatar, the penalty is the obligation of the convicted person to pay a certain amount in favor of the State. However, unlike Article 46 of CC of Russia, Qatar criminal legislation does not define the minimum and maximum amounts of fines, the circumstances under which the amount of the fine is determined, the rules for replacing the fine with another penalty, etc.

Third, according to the amendments of 2009, Article 63 of CC of Qatar provides that public work is the obligation of a convicted person to perform socially significant work for a certain time. The definition of public works performed by convicts, as a whole complies with Article 49 of CC of Russia, according to which public works consists in performing free socially useful work by a convicted person in his spare time from his main work or study.

However, Article 63 of CC of Qatar provides a list of socially important work that is absent not only in the Criminal Code, but also in the Penal Code of the Russian Federation (hereinafter – PC of Russia). This list includes: reading surahs of the Koran by heart; teaching literacy; caring

for juveniles; caring for people with special needs; transporting patients (carrying on stretchers); cleaning roads, streets, public squares, beaches, kindergartens and nature reserves; cleaning and maintenance of mosques; cleaning and maintenance of sports facilities, ticket sales; cleaning and maintenance of public libraries; cleaning and maintenance of gardens; loading and unloading containers at ports; assistance to civil defense personnel in their work; assistance to the postal service; administrative work in sanatoriums; office work, as well as driving transport in the field of food delivery; refueling at gas stations. Perhaps something similar would not be out of place in the Russian Penal legislation.

Fourth, according to the amendments of 2009 in Article 63 of CC of Qatar, the convicted person must serve a sentence in the form of public works for 6 hours a day. In this case, we speak about punishment execution, which in Russia is regulated in the Penal legislation. A similar but more detailed rules in Article 27 of PC of Russia, according to which the time of obligatory works cannot exceed four hours during the weekend and in the days when the convicted person is not occupied on the basic work, service or study; in the working days – two hours after the end of the work, service or study, and with the consent of convicted person – four hours, and the total time of obligatory works within a week, as a rule, cannot be less than 12 hours.

Fifthly, in accordance with the amendments of 2009, article 63 of CC of Qatar provides for a number of provisions on the replacement of public works with other punishments:

– at the request of the Prosecutor's office, the court may impose a sentence of public works for a period not exceeding 12 days, or replace it with a sentence of imprisonment for a period not exceeding this period, or a fine in the case of a minor offense, which, as a general rule, is punishable by up to 1 year's imprisonment and a fine exceeding 1,000 rials, or one of these two types of punishment if the court decides that the nature of the crime or

the circumstances of its commission provide for such a penalty;

– if the convicted person refuses to perform public works, then he is sentenced to 1 week's imprisonment, based on the calculation of 1 day of imprisonment for 1 day of non-executed punishment in the form of public works.

In the CC of Russia, despite the presence of Article 49 on the application of the penalty of compulsory work, a number of these provisions are absent (including the need of «requirements of prosecution», which apparently applies more to the criminal procedure law). Thus, there are obvious significant differences between the main types of punishments not related to isolation from society and their content under CC of Qatar in comparison with the Criminal and Penal legislation of Russia. In view of the above, the author's translation of Article 63 of CC of Qatar may look something like this:

«Article 63.

The penalty is the obligation of the convicted person to pay a certain amount in favor of the state.

Public work is the obligation of a convicted person to perform socially significant work for a certain period of time.

Appendix 1.

At the request of the Prosecutor's office, the court may impose a sentence of public works for a period not exceeding 12 days, or replace it with a sentence of imprisonment for a period not exceeding this period, or a fine in the case of a minor offense.

A minor offense is punishable by imprisonment for a term not exceeding 1 year and a fine exceeding 1,000 rials, or one of these two types of punishment, if the court decides that the nature of the crime or the circumstances of its commission provide for such punishment.

If the convicted person refuses to perform public works, then he is sentenced to 1 week's imprisonment, based on the calculation of 1 day of imprisonment for 1 day of non-executed punishment in the form of public works.

Socially significant works are:

- 1) reading by heart surahs of the Koran;
- 2) literacy training;
- 3) care of minors;
- 4) care for people with special needs;
- 5) transportation of patients (carrying on a stretcher);
- 6) cleaning of roads, streets, public squares, beaches, kindergartens and nature reserves;
- 7) cleaning and maintenance of mosques;
- 8) cleaning and maintenance of sports facilities, ticket sales;
- 9) cleaning and maintenance of public libraries;
- 10) cleaning and maintenance of gardens;
- 11) loading and unloading of containers at ports;
- 12) assistance to civil defense employees in their work;
- 13) assistance to the postal service;
- 14) administrative work in health resorts;
- 15) office management, as well as driving transport in the field of food delivery;
- 16) refueling at gas stations.

Appendix 2.

The convicted person must serve a sentence of public works for 6 hours a day».

Based on the above, it can be argued that the main types of punishments not related to isolation from society and their content have significant specifics under the Criminal Code of Qatar, and in some cases relate to issues of punishments execution (which in Russia are regulated in the Penal legislation). This determines the need for further research of the Criminal Code of Qatar and its comparative analysis with Russian legislation.

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