

Object and Subject of Crime in Contemporary Criminal Law: Doctrinal Evolution, Judicial Practice, and Theoretical Reassessment

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Abstract

The object and subject of crime constitute foundational categories of criminal law theory, shaping the understanding of criminal liability, the structure of corpus delicti, and the qualification of criminal acts. Despite their long-standing presence in legal doctrine, these concepts remain among the most debated and methodologically complex in both continental and post-Soviet criminal law traditions. This article undertakes an extensive theoretical and doctrinal analysis of the object and subject of crime, tracing their historical evolution from classical criminal law thought to modern interpretations under conditions of market relations, information society, and evolving judicial practice. Drawing strictly on authoritative doctrinal works, judicial resolutions, and comparative theoretical materials reflected in the provided references, the study elaborates the internal structure of the object of crime, its correlation with social relations, legal goods, and interests protected by criminal law, as well as the multifaceted understanding of the subject of crime as a material or immaterial bearer of criminal encroachment. Particular attention is paid to Soviet and post-Soviet scholarly debates, including disagreements over the distinction between object and subject, their role in the mechanism of criminal harm, and their significance for crime qualification. The article also examines special categories such as information, securities, symbols, and victims, demonstrating how technological and socio-economic transformations challenge traditional doctrinal boundaries. Judicial interpretations, including those of supreme courts, are analyzed to illustrate the practical implications of theoretical positions. The study argues for a nuanced, integrative approach that preserves doctrinal continuity while accommodating contemporary realities. By synthesizing classical theory, modern scholarship, and judicial practice, this article contributes to a deeper understanding of the object and subject of crime as dynamic legal categories essential for coherent criminal law doctrine and effective law enforcement.

Keywords: Object of crime; subject of crime; corpus delicti; criminal law theory; judicial practice; legal goods

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1. Introduction

The conceptual apparatus of criminal law is built upon a system of interrelated categories that collectively explain why certain acts are criminalized, how criminal liability arises, and in what manner unlawful conduct is distinguished from lawful behavior. Among these categories, the object and subject of crime occupy a

central yet persistently controversial position. Their importance is not merely terminological; rather, they determine the boundaries of criminalization, influence legislative technique, guide judicial qualification, and reflect the underlying values protected by criminal law. From the earliest doctrinal constructions of criminal law to contemporary debates shaped by digitalization and

globalization, the object and subject of crime have served as lenses through which the social meaning of crime is understood.

Classical criminal law scholars emphasized the moral and social harm caused by crime, gradually formalizing this harm into the notion of an object protected by law. In the Russian and broader continental tradition, this idea developed into a sophisticated doctrine in which the object of crime is associated with social relations safeguarded by criminal legislation (Spasovich, 1863; Kistyakovskiy, 1891). Soviet criminal law further systematized this approach, embedding the object of crime into the structure of *corpus delicti* and emphasizing its ideological and social dimensions (Traynin, 1957; Piontkovskiy, 1961). At the same time, the subject of crime emerged as a related but distinct category, referring to the material or immaterial entities upon which criminal acts are directly committed.

Despite extensive scholarly attention, significant disagreements persist regarding the precise definition, scope, and correlation of these categories. Some scholars argue for a strict distinction between object and subject, while others question the necessity of maintaining both concepts separately (Kudryavtsev, 1951; Vinokurov, 2011). The problem is further complicated by the emergence of new forms of criminal behavior involving intangible assets such as information, digital securities, and symbolic values, which challenge traditional material conceptions of the subject of crime (Yashkov, 2005; Spiridonova, 2002).

Judicial practice adds another layer of complexity. Courts often rely on doctrinal constructs when qualifying crimes, yet they also adapt these constructs pragmatically to resolve concrete cases. Resolutions of supreme judicial bodies, particularly those addressing economic crimes, corruption, and property offenses, demonstrate how theoretical debates directly affect law enforcement outcomes (Resolution of the Plenum, 2013; Lopashenko, 2006). Moreover, evolving standards concerning victims, especially vulnerable categories such as children, underscore the normative significance of clearly defining what exactly is harmed by crime (Guidelines on Justice, 2001; Yani, 1995).

Against this background, the present article aims to provide a comprehensive, publication-ready analysis of the object and subject of crime, grounded strictly in the provided references. The study seeks to identify doctrinal continuities and ruptures, examine competing theoretical

positions, and assess their implications for modern criminal law. By engaging deeply with classical works, Soviet-era scholarship, contemporary doctrinal contributions, and judicial interpretations, the article addresses a persistent gap in the literature: the lack of an integrative, historically informed, and practice-oriented reassessment of these fundamental categories.

2. Methodology

The methodological framework of this research is grounded in doctrinal legal analysis, historical interpretation, and systematic comparison of scholarly viewpoints. Given the theoretical nature of the subject, the study relies exclusively on qualitative methods, focusing on textual analysis of authoritative legal scholarship, legislative materials, and judicial interpretations contained within the provided references. This approach allows for an in-depth examination of the conceptual foundations and normative implications of the object and subject of crime without resorting to empirical or statistical methods.

First, a historical-dogmatic method is employed to trace the evolution of the concepts from pre-revolutionary criminal law through Soviet doctrine to contemporary post-Soviet scholarship. Works by early scholars such as Spasovich (1863) and Kistyakovskiy (1891) are analyzed to reconstruct the initial doctrinal formulations, while Soviet-era contributions by Traynin (1957), Piontkovskiy (1961), and Tatsiy (1988) are examined to understand how these concepts were systematized within a socialist legal framework. This historical perspective is essential for appreciating the internal logic and ideological underpinnings of modern doctrines.

Second, a comparative-doctrinal method is applied to identify points of convergence and divergence among scholars regarding the definition and correlation of object and subject of crime. By juxtaposing differing interpretations, such as those emphasizing social relations versus those focusing on legal goods, the study reveals the theoretical tensions that continue to shape criminal law discourse (Naumov, 2007; Vinokurov, 2011). Special attention is given to debates concerning optional features of the objective side of crime and their role in qualification (Khudaykulov, 2019).

Third, the research incorporates an analysis of judicial practice as reflected in authoritative resolutions and commentaries. The Resolution of the Plenum of the Supreme Court of Justice (2013) and doctrinal

commentaries on economic crimes (Lopashenko, 2006) are examined to demonstrate how theoretical constructs are operationalized in practice. This method bridges the gap between abstract doctrine and applied law, highlighting the practical relevance of conceptual clarity.

Finally, a systematic method is used to integrate the object and subject of crime into the broader structure of *corpus delicti*. Drawing on classical formulations of *actus reus* and objective elements of crime (Coke; Wikipedia *Actus Reus*), the study situates these categories within a coherent theoretical model that accounts for contemporary challenges such as digitalization and the protection of intangible interests.

3. Results

The doctrinal analysis reveals that the object of crime is consistently understood as the core element expressing the social essence of criminal behavior, though its precise formulation varies across historical periods and scholarly schools. Pre-revolutionary scholars conceptualized the object primarily as legally protected interests or rights, reflecting a liberal understanding of law as a guardian of individual and societal values (Spasovich, 1863; Kistyakovskiy, 1891). Soviet doctrine reinterpreted this notion through the lens of social relations, emphasizing the collective and structural dimensions of harm (Traynin, 1957; Piontovskiy, 1961). This approach allowed for a hierarchical classification of objects into general, generic, and direct categories, which became a cornerstone of crime systematization.

The subject of crime, by contrast, emerged as a more contested category. While early doctrine treated it as the material thing affected by criminal conduct, later scholarship expanded this understanding to include intangible entities such as information, securities, and symbolic values (Vetoshkina, 2001; Yashkov, 2005; Spiridonova, 2002). The results indicate that contemporary criminal law increasingly recognizes non-material subjects of crime, reflecting broader socio-economic transformations.

Judicial practice confirms the practical importance of distinguishing between object and subject. In cases involving property crimes, economic offenses, and corruption, courts rely on these distinctions to determine the nature of harm and the applicable legal norms (Resolution of the Plenum, 2013). At the same time, inconsistencies in doctrinal interpretation can lead to divergent qualification outcomes, underscoring the need

for theoretical coherence.

4. Discussion

The findings highlight both the resilience and adaptability of the object and subject of crime as doctrinal categories. Their enduring relevance lies in their capacity to articulate the normative core of criminal law: the protection of socially significant values. However, the discussion also reveals persistent ambiguities that demand further theoretical refinement. One such ambiguity concerns the overlap between object and subject, particularly in crimes involving intangible assets. Scholars such as Vinokurov (2011) caution against conflating these categories, arguing that conceptual clarity is essential for legal certainty.

Another critical issue is the role of victims in defining the object of crime. The recognition of victims, especially vulnerable groups, as central to the understanding of criminal harm challenges purely abstract conceptions of social relations (Yani, 1995; Guidelines on justice, 2001). This shift suggests a more person-centered approach that aligns with contemporary human rights standards.

Limitations of the study stem from its exclusive reliance on doctrinal sources, which, while authoritative, may not fully capture emerging practical challenges. Future research could build on this foundation by examining comparative legal systems or empirical judicial data to further test the applicability of doctrinal constructs.

5. Conclusion

The object and subject of crime remain indispensable elements of criminal law theory, serving as conceptual anchors that connect legal norms to social reality. Their historical evolution reflects broader transformations in legal thought, political ideology, and socio-economic conditions. This article has demonstrated that, despite ongoing debates and emerging challenges, these categories retain their explanatory power when approached with methodological rigor and theoretical openness. A nuanced, integrative understanding of the object and subject of crime is essential for maintaining doctrinal coherence, ensuring fair qualification of criminal acts, and adapting criminal law to the complexities of the modern world.

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