TURIBA UNIVERSITY

Ainārs Persidskis

PROMOCIJAS DARBA KOPSAVILKUMS

SYNOPSYS OF THE DOCTORAL THESIS

NOZIEDZĪGU NODARĪJUMU KOPĪBA
AGGREGATION OF CRIMINAL OFFENCES

Study programme: Law Sciences

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The defence of the doctoral thesis shall be held at "Turiba University" at the public sitting of the doctoral council for law sciences on **25.10.2018 at 14.00** at Turiba University**,** Room C108, Graudu street 68, Riga.

The doctoral thesis and the synopsis are available for review at the Library of Turiba University**,** Graudu street 68, Riga.

Chairman of the Doctoral Council in Law Sciences:
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CONTENT

INTRODUCTION

Topicality of the theme -

The need to legally properly delimit the separate (unitary) criminal offense from the crimes committed in the aggregate of criminal offenses is grounded by the punishment determined for the perpetrator. In the event of an incorrect classification of a crime, if the offense constituting a separate (unitary) criminal offense is classified as an aggregate of criminal offenses, the principle of double punishment is violated because the perpetrator is punished twice for committing one offense, thus the penalty is applied more than that determined by the law. On the other hand, if an offense constituting an aggregate of criminal offenses is classified as a separate (single) criminal offense, the principle of justice is violated because the perpetrator is not punished for two or more crimes committed, but only for one of the criminal offenses, thus the penalty determined by law is not applied.

Doctor of Law U.Krastiņš points out that "the institute of multiplicity of criminal offenses in criminal law is one of the most complicated, if not the most complicated, because this institute is associated with many theoretical and practical solutions for the classification of the offence. In addition, within the institute for the multiplicity of criminal offences, the separation of a separate (single) offense from the multiplicity of offenses must be addressed, where there is no shortage of problems. And it is not particularly necessary to prove that the correct solution to the aforementioned issues is in the most direct way dependent upon the imposition of a lawful, proper and just punishment for the perpetrator."[1] One of the types of the institute of multiplicity of criminal offenses multiplicity is the aggregation of criminal offenses, consisting of an conceptual and factual aggregation of criminal offenses, and therefore the problem concerning the multiplicity of criminal offenses is also attributable to aggregation of criminal offenses. In classifying an offense, it is necessary to resolve the delimitation of a separate (single) offense from the aggregate of criminal offenses, in compliance with the statutory provisions on principle of inadmissibility of double punishment and collision of norms.

Professor P. Mincs has pointed out that "punishment is one of the earliest phenomena of social life, and the evolution of this institute is considered one of the most powerful factors in the development of law."[2] The evolution of the penal institute has also had a significant impact on the evolution of the aggregation of criminal offenses, as the differing perceptions on the aggregation of criminal offenses threatens the proper and just imposition of the penalty. It is

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[1] Krastiņš, U. (2007). Noziedzīgu nodarījumu daudzējādības kvalifikācijas problēmas. *Jurista Vārds*, 20.11.2007., Nr.47 (500). Iegūts 05.06.2016. no http://www.juristavards.lv/doc/166503-bnoziedzigu-nodarijumu-daudzejadibas-kvalifikacijas-problemasb/

[2] Mincs, P. (2005). *Krimināltiesību kurss. Vispārīgā daļa. Ar U.Krastiņa komentāriem*. Rīga: Tiesu namu aģentūra, 48.lpp.; Liszt, F. (1927). *Lehrbuch des deutschen Strafrechts*. Berlin: Gruyter, 4.S.

precisely the fact that an offender may be subjected to an incorrect and unfair punishment which necessitates the research on the aggregation of criminal offense, improving it and developing a legal framework for the aggregation of criminal offenses that would form a unified perception of the aggregation of criminal offenses and lead to by a uniform application of the legal framework for the aggregation of criminal offenses in practice.

Historically the penal institute is closely linked to the institute of multiplicity of criminal offenses, and the evolution of the penal institute is considered one of the strongest factors influencing the development of the aggregation of criminal offenses. The first laws of criminal law were adopted very long ago, for example, in Babylon - during the reign of Hamurabi (1792-1750 BC) [3], but indisputable references to the existence of aggregation of criminal offenses can be found in historical sources of the late 14th and 15th centuries - the Statute Book of Dvin (Двинная Уставной грамоте) and the Pskov Judicial Code (Псковской Судной грамоте) [4]. For example, Article 8 of the Pskov Judicial Code stated: "If something is stolen in the village, then the thief shall be pardoned twice, his life shall not be deprived, but punishment meted if proven guilty according to his offence, but if his guilt was proven a third time, then he shall not be allowed to live as a thief, who stole the Kremlin." [5] One can perceive here a factual case of aggregation of criminal offenses. E.Škredova, a candidate of law science, points out that the regulation of the institution of multiplicity of criminal offences in the Russian Federation today is based on a system of criminal law that has been developed over several centuries. [6] Taking into account the fact that the concepts of the institute of multiplicity of criminal offences has been formed over several centuries, it is appropriate to use research on the formation and development of aggregation of criminal offenses that enables studying a large amount of information, comparing the opinions of several authors and drawing conclusions on the basis of which recommendations could be put forward to enhance the regulation on the aggregation of criminal offences.

Analysing court practice, often cases could be identified where one and the same person has over a period of time with separate actions or omissions to act has committed two or more independent criminal offenses for which he has not yet been convicted and sentenced and for

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[3] Dombrovskis, R. (2008). Dažas krimināltiesisko zinātņu teorētiskās problēmas. *Jurista Vārds*, 12.02.2008., Nr. 6 (511). Iegūts 16.04.2016. no http://www.juristavards.lv/doc/170662-bdazas-kriminaltiesisko-zinatnu-teoretiskas-problemasb/

[4] Плотникова, М.В. (2004). *Множественность преступлений: соотношение ее разновидностей*. Москва: Московский психолого - социальный институт, 9.стр.

[5] Сорокин, А.И. (2008). *Множественность преступлений и её уголовно-правовая оценка. Автореферат диссертации на соискание учёной степени кандидата юридических наук*. Москва: Центр оперативной полиграфии ФГОУ ВПО РГАУ – МСХА, 13.стр.

[6] Шкредова, Э.Г. (2006). Формирование норм о множественности преступлений в рамках некодифицированного уголовного законодательства России (X-XVIII ВВ.). *Вестник Оренбургского государственного университета*. Выпуск № 3., 185.стр.

which the statute of limitations on criminal liability has not elapsed (factual aggregation of criminal offenses). Similarly, analysing court practice, cases could also be identified, where one and the same person has by his actions or omissions committed at least two or more independent criminal offenses during the course of implementation of the same actions or omissions for which he has not been convicted or sentenced and for which the statute of limitations on criminal liability has not elapsed (the conceptual aggregation of criminal offenses). The issues of the conceptual and factual aggregation of criminal offenses in criminal law are addressed within the framework of the institute of multiplicity of criminal offences.

The aggregation of criminal offenses is to be regarded as a topical subject, both in the field of criminal law theory as well as criminal law practice. In criminal law theory, the topic is related to a uniform understanding of the concept of multiplicity, aggregation, conceptual and factual aggregation of criminal offenses, collision of criminal law norms, the principle of the inadmissibility of double punishment and the concept of separate (unitary) criminal offense, its constituent elements and legal regulation.

In the practice of applying criminal law, the issues of proper classification of an offense must be dealt with if there are constituent elements of conceptual and factual aggregation of criminal offenses or collision of criminal law norms. The court should not allow the violation of the principle of the inadmissibility of double punishment by delimiting the multiplicity of criminal offenses from a separate (unitary) criminal offense. The practical significance of the research is more related to the amendments proposed as a result to the multiplicity of criminal offences, aggregation, conceptual and factual aggregation of criminal offenses, collision of criminal law norms, the principle of inadmissibility of double punishment and the legal norms regulating separate (unitary) criminal offenses.

The doctoral thesis has a theoretical as well as practical significance. The thesis analyses criminal law provisions and summarizes concepts in legal literature and court practice. In addition, the data gathered has not only been summarised and analysed, but also opinions based on well justified arguments have been put forward on the issues under consideration, inherent deficiencies have been revealed and solutions offered that do not always coincide with the views currently held in Latvian criminal law. The issues of conceptual and factual aggregation of criminal offenses have been reviewed as widely as possible, identifying the problems in current theory and the nature of court practice and suggesting appropriate solutions.

The constituent elements of the conceptual and factual aggregation of criminal offenses are regulated by criminal law provisions, which are codified and operate in time and space in accordance with the principles set out in the general part of the Criminal Law. In turn the improper understanding and application of the conceptual and factual aggregation of criminal

offenses can lead to serious violations of the principles established in the general part of the Criminal Law and the Criminal Procedure Law.

Within the framework of the research, it has been established that the multiplicity of criminal offences, aggregation, conceptual and factual aggregation of criminal offenses, collision of criminal law norms, the principle of inadmissibility of double punishment and the legal norms regulating separate (unitary) criminal offenses have several shortcomings, which are the reason for the problems faced by law enforcement agencies in the application of the Criminal Law norms. Not all law enforcement agencies have a common view and understanding on several issues regarding the classification of aggregation of criminal offenses. Investigative institutions are particularly concerned about the delimitation of the conceptual aggregation of criminal offenses from the collision of norms. The difficulty in delimiting the conceptual aggregation of criminal offenses from collision of norms arises due to the fact that the legal definition does not allow the precise and unambiguous perception of the concept of conceptual aggregation of criminal offenses and collision of norms.

Criminal law scholars and practitioners in the European Union also have not completely solved problems related to the aggregation of criminal offenses and its delimitation from the collision of norms.[7]

The research object and environment -

The object of the doctoral thesis is the just resolution of criminal law relations in case of aggregation of criminal offenses. The research environment of the doctoral thesis is the criminal law provisions regulating criminal offenses, legal doctrine and court practice.

The research hypothesis proposed-

The ununiform understanding of the aggregation of criminal offenses, conceptual aggregation, factual aggregation and the collision of criminal law norms is caused by imprecise criminal law provisions and, consequently, its inaccurate interpretation affects court practice.

The goal of the doctoral thesis -

Define the classification criteria for the aggregation of criminal offences.

The following objectives were set to achieve the goals of the doctoral thesis -

1) To carry out a legal analysis of the conceptual aggregation of criminal offenses by studying the notion of conceptual aggregation of criminal offenses by identifying the preconditions that form and exclude the conceptual aggregation of criminal offenses

[7] Puppe, I. (2016). *Strafrecht Algemeiner Teil im Spiegel der Rechtsprechung 3. Auflage*. Baden-Baden: Nomos Studium, 391.-397.S.; Apfel, H. (2006). *Die Subsidiaritatsklausel der Unterschlagung*. Dissertation. Universitat Bielefeld, 7.-25.S.; Steinberg, G., Bergmann, A. (2009). *Über den Umgang mit den „Konkurrenzen" in der Strafrechtsklausur*. Iegūts 29.05.2017. no http://www.juraexamen.info/wordpress/wp-content/uploads/jura.2009.905.pdf

and analysing the significance of the subject of the offense, disposition, penalties and forms of guilt in the classification of the conceptual aggregation of criminal offenses.

2) To analyse the impact of the principle of inadmissibility of double punishment on the classification of the conceptual aggregation of criminal offenses.
3) To analyse the collision of norms and possibilities of delimitation of conceptual aggregation of criminal offenses.
4) To analyse the criteria for delimitation of a complex criminal offense and conceptual aggregation.
5) To carry out a legal analysis of the factual aggregation of criminal offenses by studying the legal concept of factual aggregation of criminal offenses, its constituent elements and penalties foreseen in regulations for crime committed within the factual aggregation of criminal offences.
6) To analyse the criteria for delimitation of repeated criminal offenses and factual aggregation of criminal offences.
7) To analyse the court practice in the Republic of Latvia in relation to the classification of aggregation of criminal offenses.

Research methods used in the doctoral thesis -

1) The analytical method has been used to study and evaluate the legal framework for the conceptual and factual aggregation of criminal offenses, as well as to analyse the attitudes prevalent in criminal law theory currently in Latvia in relation to the aggregation of criminal offenses.
2) The historical method has been used to investigate the historical aspects of aggregation of criminal offenses.
3) The comparative method has been used to compare and evaluate the opinions of different authors regarding the understanding of the concept of conceptual and factual aggregation of criminal offenses and the delimitation of a separate (unitary) crime offense and the collision of norms as well as to compare the legal framework of aggregation of criminal offenses in other countries.
4) The inductive method has been used to derive general conclusions from the legal framework, legal doctrine and court practice.
5) The deductive method is used to draw conclusions from a wide range of theoretical conclusions on the classification criteria for aggregation of criminal offenses.
6) The logical method has been used to study the content and scope of the concepts of the conceptual and factual aggregation of criminal offenses.

The general overview of sources used in the doctoral thesis -

A wide range of scientific literature has been analysed within the framework of the doctoral thesis, - on criminal law, criminal procedure law, criminology, constitutional law and the theory of law.

The normative legal basis of the doctoral thesis consists of the Satversme of the Republic of Latvia, international human rights documents, Latvian and foreign criminal laws, laws and other normative enactments related to the subject under research in the thesis.

The empirical basis of the doctoral thesis consists of Latvian and foreign court practice, namely, the decisions of the Supreme Court of the Republic of Latvia, the decisions of the regional courts, city (district) courts and summaries of court practice of the Supreme Court of the Republic of Latvia on criminal law related to the aggregation of criminal offenses.

In total, 182 sources of literature, 22 Latvian and foreign normative acts, as well as 59 case practice materials have been used in the compilation of the doctoral thesis.

Novelty of the doctoral thesis -

There has hardly been any specific research in this area in Latvia. In fact, no scientific books, monographs or collective monographs have been published devoted in general to the aggregation of criminal offenses or dedicated in particular to any type of aggregation of criminal offenses, nor has there been any kind of collection of court practice in this field.

It should also be noted that in fact the aggregation of criminal offences has not been researched in Latvia with the exception of few publications[8], including those published by the author of this work [9] on certain issues related to the classification of aggregation of criminal offenses.

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[8] Krastiņš, U. (2016). Šķirtne starp krimināltiesību normu konkurenci un noziedzīgu nodarījumu ideālo kopību. *Administratīvā un Krimināla Justīcija*. Nr.1/2 (74/75), 34.-37.lpp.; Krastiņš, U. (2010). Noziedzīgu nodarījumu atkārtotības un kopības teorētiski praktiskie risinājumi. *Jurista Vārds*, 30.11.2010., Nr.48 (643). Iegūts 10.04.2016. no http://www.juristavards.lv/doc/221831-bnoziedzigu-nodarijumub-atkartotibas-un-kopibas-teoretiski-praktiskie-risinajumi/; Krastiņš, U. (2009). Krimināltiesisko normu konkurence. *Krimināltiesību teorija un prakse: Viedokļi, problēmas, risinājumi. 1998-2008*. Rīga: Latvijas Vēstnesis, 129.-134.lpp.; Krastiņš, U. (2000). Noziedzīgu nodarījumu reālā kopība un atkārtotība. *Administratīvā un Krimināla Justīcija*, Nr.1 (10), 40.-41.lpp.; Krastiņš, U. (2015). Normu konkurence un noziedzīgu nodarījumu ideālā kopība. *Tiesību efektivitāte postmodernā sabiedrībā. Latvijas Universitātes 73. zinātniskās konferences rakstu krājums*: LU Akadēmiskais apgāds, 175.-184.lpp.

[9] Krastiņš, U. (2016). Šķirtne starp krimināltiesību normu konkurenci un noziedzīgu nodarījumu ideālo kopību. *Administratīvā un Krimināla Justīcija*. Nr.1/2 (74/75), 34.-37.lpp.; Krastiņš, U. (2010). Noziedzīgu nodarījumu atkārtotības un kopības teorētiski praktiskie risinājumi. *Jurista Vārds*, 30.11.2010., Nr.48 (643). Iegūts 10.04.2016. no http://www.juristavards.lv/doc/221831-bnoziedzigu-nodarijumub-atkartotibas-un-kopibas-teoretiski-praktiskie-risinajumi/; Krastiņš, U. (2009). Krimināltiesisko normu konkurence. *Krimināltiesību teorija un prakse: Viedokļi, problēmas, risinājumi. 1998-2008*. Rīga: Latvijas Vēstnesis, 129.-134.lpp.; Krastiņš, U. (2000). Noziedzīgu nodarījumu reālā kopība un atkārtotība. *Administratīvā un Krimināla Justīcija*, Nr.1 (10), 40.-41.lpp.; Krastiņš, U. (2015). Normu konkurence un noziedzīgu nodarījumu ideālā kopība. *Tiesību efektivitāte postmodernā sabiedrībā. Latvijas Universitātes 73. zinātniskās konferences rakstu krājums*: LU Akadēmiskais apgāds, 175.-184.lpp.

The concepts of multiplicity, aggregation, conceptual aggregation, factual aggregation and collision of criminal law norms regulated in the Criminal law are imprecise. Similarly, the Criminal Law does not list the types of collision of criminal law norms and separate (unitary) criminal offenses and their legal regulation. In general, the legal framework creates a divergent understanding of the law, which results in similar offenses being classified differently.

This problem can be overcome - in order to facilitate the uniform understanding and application of aggregation of criminal offenses, it is necessary to develop the concepts of aggregation of criminal offenses, conceptual aggregation, factual aggregation and collision of norms, in line with the concepts enshrined in criminal law doctrine.

The doctoral thesis is the first scientific work of this scope devoted to the study of aggregation of criminal offenses in Latvia. As a result of the comprehensive study of the legal framework, the theoretical framework and the practice of Latvian courts, a comprehensive and complex study on the aggregation of criminal offenses has been carried, the problems related to the application of the norms of law on aggregation of criminal offences have been identified on the basis of this present research, and proposals for improving the legal regulation of the aggregation of criminal offenses have been developed.

Overview of the general layout of the doctoral thesis -

The doctoral thesis has been structured in accordance with the chosen theme, the research goals and the tasks set; it is designed taking into account the theoretical concepts consolidated in the criminal law theory of Latvia, in order to carry out a comprehensive and in-depth analysis of the problems related to the aggregation of the criminal offenses. The scope of the doctoral thesis covers 181 pages.

The doctoral thesis consists of two parts, which have several chapters and subchapters. The first part of the doctoral thesis covers the conceptual aggregation of criminal offenses. This part analyses the conceptual aggregation of criminal offenses. The first part has nine chapters that have sub chapters.

The first chapter analyses the concept and constituent elements of the conceptual aggregation of criminal offenses. The first subchapter of Chapter 1 analyses the content and concept of conceptual aggregation of criminal offenses. As a result, the content of the notion of conceptual aggregation of criminal offenses revealed has been supplemented with examples and explanations, offering the correct solutions for classification of the crime. The content of the offense in the concept of the conceptual aggregation of criminal offenses has been identified. The partial aggregation of the objective part or the actual criminal offenses committed within the conceptual aggregation of criminal offenses has been analysed. The “conceptual aggregation” in the concept of conceptual aggregation of criminal offenses was explored and a new wording has

been proposed for the concept of the conceptual aggregation of criminal offenses regulated by the Criminal Law, thereby eliminating the shortcomings identified in the current concept. The classification criteria for the conceptual aggregation of criminal offenses has also been identified.

The second chapter analyses the circumstances that create and exclude the conceptual aggregation of criminal offenses. The subchapters of the second chapter analyse the circumstances that constitute the conceptual aggregation of criminal offenses. The difference between the conformity of the offense with the composition of several criminal offenses and the conformity of an offense with several criminal offenses has been researched. The conformity of the offense with several different criminal offenses and its conformity with interrelated crimes has been analysed. Analysing the legal framework of the Criminal Law, circumstances that exclude the conceptual aggregation of criminal offenses have been identified and subsequently proposals have been put forward for the improvement of the legal framework.

The third chapter analyses the significance of the subject of a criminal offense in the classification of the conceptual aggregation of criminal offenses in assessing the impact of the subject of a criminal offense on the constitution of a conceptual aggregation of criminal offences.

The fourth chapter analyses the significance of the disposition of the provisions of the Criminal Law in the classification of a conceptual aggregation of criminal offenses, assessing the impact of the contents of the Criminal Law provisions on the constitution of a conceptual aggregation of criminal offenses. The classification of an offense before and after the amendments in the disposition of the Criminal Law provisions has been compared. An analysis of wrong conceptual aggregation of criminal offenses and proper collision of norms in court practice has been carried out.

The fifth chapter identifies the significance of penalties foreseen in the Criminal Law for the classification of a conceptual aggregation of criminal offenses by analysing specific cases of classification and assessing the impact of the penalty foreseen in the Criminal Law on the classification of a conceptual aggregation of criminal offenses.

The sixth chapter analyses the significance of the forms of guilt prescribed by the Criminal Law for the classification of a conceptual aggregation of criminal offenses. The concept and forms of guilt have been analysed. The impact of forms of guilt on the conceptual aggregation of criminal offenses has been identified. Cases where the offense has resulted in the same consequences, but in relation to the consequences there are different forms of guilt and the contrary when the offense results in the same consequences, but in relation to the consequences there is only one form of guilt has been analysed.

The seventh chapter analyses the delimitation of a conceptual aggregation of offenses from complex criminal offenses. The concept, constituent elements and task of a separate

complex criminal offense have been analysed, pointing to the deficiencies in the legal framework regarding a separate complex criminal offense. The delimitation of conceptual and factual aggregation of criminal offenses from complex criminal offenses has been identified.

The eighth chapter analyses the delimitation of the conceptual aggregation of criminal offenses from the collision of norms. The various types of collision of norms have been identified. The criteria for the delimitation of the conceptual aggregation of criminal offences from the collision of norms have been identified and proposals have been put forward for the improvement of the legal framework.

The ninth chapter analyses the principle of inadmissibility of double punishment in the context of conceptual aggregation of criminal offenses. The content of the principle of inadmissibility of double punishment was explored and proposals were made for the improvement of the legal framework.

The second part of the doctoral thesis is dedicated to the factual aggregation of criminal offenses. This part analyses the factual aggregation of criminal offenses and consists of three chapters and several sub chapters.

The first chapter analyses the concept and constituent elements of factual aggregation of criminal offenses, identifies deficiencies in the legal framework and offers proposals for improvement of the legal framework.

The second chapter analyses the delimitation of the factual aggregation of criminal offenses from separate repeated criminal offenses. The analysis is supplemented with examples and explanations, offering solutions for the proper classification of offences. The content of a separate, repeated criminal offense has been explored. Criteria for delimiting the factual aggregation of criminal offenses from separate repeated criminal offenses has been defined.

The subchapters of the third chapter analyse the determination of punishment for criminal offenses committed under the factual aggregation of criminal offences by evaluating the legal framework for the determination of penalties and compliance with the principles of fairness and proportionality in determining the final sentence. In conclusion proposals for improvement of the legal framework have been offered.

At the end of the doctoral thesis proposals have been made based on the conclusions drawn for improving the legal regulation of aggregation, conceptual and factual aggregation of criminal offenses, collision of criminal law norms, separate (unitary) criminal offenses and the principle of inadmissibility of double punishment and several important points have been put forward for the defence of the doctoral thesis.

Validation of the doctoral thesis-

The doctoral research results have been presented at 5 international scientific conferences and 9 scientific articles have been published in periodicals.

Participation in international scientific conferences -

1) Persidskis, A. (2017). Dubultās sodīšanas nepieļaujamības princips noziedzīgu nodarījumu ideālās kopības kontekstā. [The principle of inadmissibility of double punishment in the context of the conceptual aggregation of criminal offenses]. *Turiba University, XVIII International scientific conference „ Communication in the global village: interests and influences.”*, 18.05.2017., Riga.
2) Persidskis, A. (2017). Ideālās kopības nošķiršana no normu konkurences. [Delimiting conceptual aggregation of criminal offences from the collision of norms]. *Society for Baltic Security, Baltic International Academy and Riga Stradins University International scientific conference „Society. Person. Security - 2017”*, 27.04.2017., Riga.
3) Persidskis, A. (2016). Sankcijas ietekme uz noziedzīgu nodarījumu ideālās kopības kvalifikāciju. [The impact of the penalties on the classification of the conceptual aggregation of criminal offenses] *Turiba University XVII International scientific conference „Competitive Enterprises in a Competitive Country”*, 31.05.2016., Riga.
4) Persidskis, A. (2016). Vainas ietekme uz noziedzīgu nodarījumu ideālās kopības kvalifikāciju. [The impact of guilt on the classification of the conceptual aggregation of criminal offenses]. *Baltic International Academy and Society for Baltic Security International scientific conference „Sabiedrība. Cilvēks. Drošība. 2016.”*, 22.04.2016., Riga.
5) Persidskis, A. (2016). Dispozīcijas ietekme uz noziedzīgu nodarījumu ideālās kopības kvalifikāciju. [The impact of disposition on the classification of conceptual aggregation of criminal offenses] *Daugavpils University 58th International scientific conference*, 15.04.2016., Daugavpils.

List of scientific publications related to the doctoral thesis-

1) Persidskis, A. (2017). Noziedzīgu nodarījumu ideālās kopības nošķiršana no normu konkurences. [Delimiting conceptual aggregation of criminal offences from the collision of norms] *Administratīvā un Krimināla Justīcija.* No.2 (79), 44.-49. pp.
2) Persidskis, A. (2017). Dubultās sodīšanas nepieļaujamības princips noziedzīgu nodarījumu ideālās kopības kontekstā. [The principle of inadmissibility of double punishment in the context of the conceptual aggregation of criminal offenses]. *Turiba University conference proceedings. XVIII International scientific conference*

„Communication in the global village: interests and influences”. Riga: Biznesa augstskola Turība, 146.-152. pp.

3) Persidskis, A. (2016). The influence of disposition on conceptual aggregation of criminal offences classification. *Proceedings of the 58th International Scientific Conference of Daugavpils University. Part B. Social sciences.* Daugavpils: Daugavpils Universitātes akadēmiskais apgāds „Saule”, 147.-157. pp.
4) Persidskis, A. (2016). Sankcijas ietekme uz noziedzīgu nodarījumu ideālās kopības kvalifikāciju. [The impact of guilt on the classification of the conceptual aggregation of criminal offenses]. *Turiba University conference proceedings. XVII International scientific conference „Competitive Enterprises in a Competitive Country”*. Rīga: Biznesa augstskola Turība, 195.-203.lpp.
5) Persidskis, A. (2016). Vainas formas nozīme noziedzīgu nodarījumu ideālās kopības kvalifikācijā. [The significance of forms of guilt on the classification of conceptual aggregation of criminal offenses] *Administratīvā un Krimināla Justīcija.* No.1/2 (74/75), 54.-63. pp.
6) Persidskis, A. (2015). Noziedzīgu nodarījumu ideālās kopības pazīmes. [Constituent elements of conceptual aggregation of criminal offenses]. *Administratīvā un Krimināla Justīcija*. No.3 (72), 41.- 49.pp.
7) Persidskis, A. (2015). Soda noteikšana par noziedzīgu nodarījumu kopību. [Determining punishment for aggregation of criminal offences]. *Administratīvā un Krimināla Justīcija*. No.2 (71), 34.- 42.pp.
8) Persidskis, A. (2015). Noziedzīgu nodarījumu ideālās kopības jēdziens. [The concept of conceptual aggregation of criminal offenses] *Jurista Vārds*, 22.09.2015., No.37 (889), 20.- 26.pp.
9) Persidskis, A. (2014). Noziedzīgu nodarījumu reālā kopība kā atbildību pastiprinošs apstāklis. [Factual aggregation of criminal offences as an aggravating circumstance] *Jurista Vārds*, 29.07.2014., No.29 (831), 24.- 27.pp.

The main sources of scientific literature used in the doctoral thesis and the synopsis -

Sources of scientific literature in Latvian mainly consist of works of law doctors U. Krastiņs and V. Liholajs, as well as works of other authors. Sources of scientific literature in a foreign language include 65 different works related to the topic of the doctoral thesis.

GENERAL OVERVIEW OF THE CHAPTERS OF THE DOCTORAL THESIS

1. The concept of conceptual aggregation of criminal offenses, its constituent elements and circumstances that constitute and exclude conceptual aggregation of criminal offenses

The regulation of the concept of conceptual aggregation of criminal offenses in the Criminal Law and highlighting the constituent elements in the concept is necessary to introduce a uniform and correct definition of the classification for an offense committed by an individual, since lawful, just and fair punishment for the perpetrator depends on determination of the correct classification.

The concept of aggregation of criminal offenses regulated by the Criminal Law does not list the types of criminal offenses which is one of the most significant deficiencies in the concept. The first paragraph of Article 26 of the Criminal Law must be amended and worded as follows: "*Aggregation of criminal offences shall be constituted by the conceptual and factual aggregation of criminal offences.*" The Criminal law must list the types of aggregation of criminal offenses that constitute the aggregation of criminal offenses and only then subsequently as provided for in the second and third paragraphs of Article 26 of the Criminal Law define the concepts of types of conceptual and factual aggregation of criminal offenses.

The second paragraph of Article 26 of the Criminal Law regulates the concept of the conceptual aggregation of criminal offenses: "An offence committed by a person which corresponds to the constituent elements of several different related criminal offences, constitutes a conceptual aggregation of criminal offences." The following constituent elements are evident from the current wording of the concept of the conceptual aggregation of criminal offenses:

1) the offense corresponds to the constituent elements of several criminal offenses;

2) the offense corresponds to the constituent elements of different criminal offenses;

3) the offense corresponds to the constituent elements of interrelated criminal offenses.

The concept of the conceptual aggregation of criminal offenses as a whole gives rise to three classification criteria for the conceptual aggregation of criminal offenses. The constituent element that the offense corresponds to the constituent elements of several criminal offenses overlaps with the constituent elements of the collision of norms, resulting in the fact that two completely opposing types of criminal justice institutes - conceptual aggregation of criminal offenses and collision of norms – have a common constituent element. The constituent element that the offense corresponds to the constituent elements of different criminal offenses is unclear, as the number of constituent elements of different criminal offenses required to be recognised as a conceptual aggregation of criminal offenses has not been defined. The notion that the offense corresponds to the constituent elements of different criminal offenses must be interpreted not

only as completely differing constituent elements constituting a conceptual aggregation of criminal offenses, but also as partially differing constituent elements in which at least one of the constituent elements of the criminal offense is different. The problem with the constituent element - the offense corresponds to the constituent elements of interrelated criminal offenses – is the fact that the legislator has not explained the nature of the relation that exists between a number of criminal offenses in order to be able to acknowledge that they together constitute a conceptual aggregation of criminal offenses. Therefore, such a wording of constituent elements is inaccurate and does not explain the concept and its essence. Only the mutual interrelation of objective parties of the criminal offenses or the actual performance of the criminal offenses, is the interdependence of the criminal offenses, without which the conceptual aggregation of criminal offenses cannot be constituted.

In the case of conceptual aggregation of criminal offenses, the same acts or omissions in the commission of criminal offenses constitute a common objective side[10] where at least one of the acts or omissions is same in both the criminal offences.[11] It should be concluded from the content of the concept of conceptual aggregation of criminal offenses, that the conceptual aggregation of criminal offenses is constituted by an offense (act or omission) committed by a person that corresponds to a number of simultaneously committed criminal offenses whose objective or actual performance partially or completely coincides.

The concept of the conceptual aggregation of criminal offenses regulated by the Criminal Law must be reworded, eliminating the deficiencies mentioned above in the current concept. The second paragraph of Section 26 of the Criminal Law should be worded as follows: *"An offense committed by a person that corresponds to several simultaneously committed criminal offenses, whose factual performance partly or fully coincide, constitute a conceptual aggregation of criminal offenses*." The partial or complete coincidence of the factual performance must be understood in terms of the complete coincidence of at least one action or omission to act of the objective parts of each of the criminal offenses committed with at least one action or omission to act of the objective parts of all the rest of the criminal offenses committed within the conceptual aggregation of criminal offences. The concept proposed by the author of the conceptual aggregation of criminal offenses includes it most important constituent element, without which the conceptual aggregation cannot be formed - the offenses are committed simultaneously, and their actual performance partly or completely coincide. The proposed concept of the conceptual aggregation of criminal offenses identifies the most important constituent element of the

[10] Наумов, А.В., Никулин, С.И., Рарог, А.И., и др. (2006). *Уголовное право России. Части общая и особенная: учеб. / Под ред. А.И. Рагора. - 5-е изд., переработанное и дополненное*. Москва: Издательство Проспект, 44.стр.

[11] Leja, M. (2013). *Krāpšanas aktuālie jautājumi Latvijas un ārvalstu tiesībās*. Rīga: Tiesu namu aģentūra, 487.lpp.

conceptual aggregation, without which the conceptual aggregation cannot be formed. The classification criterion for the ideal combination of offenses is simultaneity and a partial or complete coincidence of the actual performance.

The circumstances leading to the exclusion of an aggregation of criminal offenses are not listed together but are mentioned in various parts of Section 26 of the Criminal Law. Certain conditions for the exclusion of an aggregation of criminal offences must be deduced from the concept of aggregation of criminal offenses. The abovementioned makes it difficult to identify the circumstances for the exclusion of the conceptual aggregation of criminal offenses. The circumstances for the exclusion of the conceptual aggregation of criminal offenses need to be listed together, not in various parts of the section. The fourth paragraph of Section 26 of the Criminal Law is to be worded as follows: *"The aggregation of criminal offenses is not constituted if a person has been convicted, released from criminal responsibility or the statute of limitations for the criminal offence has expired, or the offense constitutes a collision of norms*." By regulating the circumstances excluding the aggregation of criminal offenses in one part of the section, the conditions for the exclusion of the conceptual aggregation of criminal offenses as well as factual aggregation of criminal offences would be listed together. Similarly, law enforcement agencies no longer need to deduce the conditions for the exclusion of the aggregation of criminal offences from the notion of aggregation of criminal offences.

2. The significance of the subject, the disposition, penalties and the forms of guilt in the classification of the conceptual aggregation of criminal offenses in connection with the regulation of the principle of the inadmissibility of double punishment

Criminal liability is the most serious form of legal liability, since it is intended for the most harmful of offenses, threatening the most severe restrictions on personal freedom, up to life imprisonment. [12] Therefore, the lawfulness of the penalty enforced depends on the correct classification of the offense.

The importance of the subject in the classification of the conceptual aggregation of criminal offences. In the doctrine of law, it is considered that the subject of a criminal offense is an element of a criminal offense[13]; it is a matter which is directly subjected to the actions of the perpetrator of the offense[14]. The subject of a criminal offense may also be a set of elements

[12] Krastiņš, U. (2004). Vai Krimināllikumā ir vajadzīgas antikonstitucionālas normas. *Jurista Vārds*, 23.03.2004., Nr. 11 (316). Iegūts 16.04.2016. no http://www.juristavards.lv/doc/85855-vai-kriminallikuma-ir-vajadzigas-antikonstitucionalas-normas/

[13] Колосовский, В.В. (2003). Ошибки при квалификации по объекту и предмету преступления. *Вестник Челябинского государственного университета*. Выпуск № 1 / том 9., 22.стр.

[14] Колосовский, В.В. (2003). Ошибки при квалификации по объекту и предмету преступления. *Вестник Челябинского государственного университета*. Выпуск № 1 / том 9., 22.стр.

where the subject of a criminal offense may consist of several elements[15]. The subject of a criminal offense can also be several interrelated elements, where it is not possible to fulfil their intended purpose without linking one element to the other.

An offense committed by a person that corresponds to several simultaneously committed criminal offenses, the actual performance of which partly or fully coincides, but committed against the same object of the crime, causing the same damage, does not constitute a conceptual aggregation of criminal offenses. In such a case, the person's offense must be classified according to the crime, the composition of which most fully covers the offense committed by a person constituting a separate (unitary) offense. Consequently, a conceptual aggregation of criminal offenses cannot be constituted by criminal offenses which endanger one and the same object and cause the same damage, as in such a case the principle of the inadmissibility of double punishment will be violated because the person will be tried several times for allegedly different offenses that by their nature are in fact the same. For example, the fourth part of Section 176 of the Criminal Law provides for criminal liability for robbery if it has caused severe consequences (for example, death of a person), while Section 117, Paragraph one, Clause 6 provides for criminal liability for murder if it involves robbery. Both the Criminal Law norms provide for criminal liability for an offense that has arisen from the same facts, the same constituent elements are present - the victim's death as a result of robbery.

Doctor of Law U.Krastiņš points out that when classifying an offense under these two sections of the Criminal Law, a person is held liable and convicted twice for the same actual criminal offense, which today is regarded as a violation of the principle of inadmissibility of double punishment.[16] For a long period of time in court practice and publications another opinion existed that the offense in this case should be classified as a conceptual aggregation of criminal offenses - in accordance with the provisions of the fourth part of Section 176 and the 6th clause of first paragraph of Section 117 of the Criminal Law,[17] but in the course of the development of understanding of the principle of inadmissibility of double punishment, it was recognized that such a classification contradicts the content and spirit of the principle of inadmissibility of double punishment.

The fifth paragraph of Section 1 of the Criminal Law and Section 25, Paragraph 1 of the Criminal Procedure Law regulate the principle of inadmissibility of double punishment, which

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[15] Колосовский, В.В. (2003). Ошибки при квалификации по объекту и предмету преступления. *Вестник Челябинского государственного университета*. Выпуск № 1 / том 9., 22.стр.

[16] Krastiņš, U. (2015). Non bis in idem princips - cilvēktiesību skatījumā. *Krimināltiesību teorija un prakse: Viedokļi, problēmas, risinājumi. 2009-2014*. Rīga: Latvijas Vēstnesis, 6.lpp.; Krastiņš, U. (2015). Non bis in idem vai ne bis in idem. *Krimināltiesību teorija un prakse: Viedokļi, problēmas, risinājumi. 2009-2014*. Rīga: Latvijas Vēstnesis, 17.lpp.

[17] Krastiņš, U., Liholaja, V., Niedre, A. (2009). *Krimināltiesības. Sevišķā daļa. Trešais papildinātais izdevums.* Zinātniskais redaktors prof. U. Krastiņš. Rīga: Tiesu namu aģentūra, 391.lpp.

does not cover the content and meaning of the entire principle of the inadmissibility of double punishment, namely that no one may be tried or punished for a number of simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense. The Section 1 of the Criminal Law should be supplemented with the sixth part and worded as follows: "*A person may be tried or punished only for one of several simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense*." At the same time, the first part of Section 25 of the Criminal Procedure Law should be appended with the sentence: " *a person may be tried or punished only for one of several simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense*" and the first part of this section shall be worded as follows: "*No one shall be tried or punished for an offense for which he or she has already been acquitted or punished in Latvia or abroad in a criminal case or an administrative offense according to law which has been adopted and is in force in accordance with the procedure established by law. A person may be prosecuted or punished only for one of several simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense*." The proposed wording of the concept of double punishment would include a very important element that a person may be prosecuted or sentenced for only one of several simultaneously committed criminal offenses punishable by criminal liability for one and the same offense. By including the above-mentioned element in the concept of inadmissibility of double punishment, the content and purpose of the principle of inadmissibility of double punishment will be fully explored – prohibiting the prosecution of persons under several norms of the Criminal Law, which in essence foresee criminal liability for one and the same thing.

The importance of disposition and penalties in the classification of conceptual aggregation. The doctrine of law terms disposition as the part of the Criminal Law which explains the notion and constituent elements of the criminal offense. [18] Criminal law distinguishes four types of dispositions - simple, descriptive, indicative and blanket disposition. One cannot just distinguish one or two types of disposition and say that these directly affect the classification of the conceptual aggregation of criminal offenses because the classification of the conceptual aggregation of criminal offenses is influenced not by the types of disposition but by the constituent elements of the offenses included in the disposition, therefore it can be argued that any of the types of disposition can affect the classification of the conceptual aggregation of criminal offenses.

Amending the dispositions in the provisions of the special section of the Criminal Law, the classification of conceptual aggregation of criminal offences may be ruled out where

[18] Krastiņš, U., Liholaja, V., Niedre, A. (2008). *Krimināltiesības. Vispārīgā daļa. Trešais papildinātais izdevums*. Zinātniskais redaktors prof. U.Krastiņš. Rīga: Tiesu namu aģentūra, 29.lpp.

previously such a classification existed or on the contrary constitute a conceptual aggregation where none previously existed. Consequently, it can be concluded that the conceptual aggregation of criminal offenses is not something rigidly fixed and the classification of the offense may change depending on the current wording of the Criminal Law - by amending the provisions of the Criminal Law, it is possible to constitute new or exclude existing cases of conceptual aggregation of criminal offences.

The difficulty in identifying the conceptual aggregation of criminal offenses occurs when one of the offenses committed within the conceptual aggregation of criminal offences is a criminal offence with a set of complex elements. Doctor of Law D. Hamkova points out that the reasons for the constitution and inclusion of complex criminal offenses in the Criminal Law is justified by the fact that several types of offenses typically unite, creating situations that are prevalent in court practice when the offense of a person consists of several combinations of criminal offenses, [19] that is, when the offense of an individual constitutes a conceptual aggregation of criminal offences. In certain cases, it would be useful to combine such offenses in one single criminal offense and to identify the offense as a separate complex criminal offense. However, it should be taken into account that combining several criminal offenses within a criminal offense raises problems in determining the extent of harmful effects. For example, the second part of Section 231 of the Criminal Law is a criminal offense with complex composition, which provides for criminal liability for hooliganism if it involves causing injuries to the victim or the damage or destruction of property. Apart from hooliganism, constituent elements of a number of other offenses are evident – criminal offences provided for in Sections 125, 126, 130, 131, and 185 of the Criminal Law. Criminal law does not regulate how to determine the proper classification for the abovementioned case and there are a lot of such cases in practice. The question arises as to how such an offence needs to be classified - according to the second part of Section 231 and Section 126, Paragraph one of the Criminal Law (for intentional infliction of moderate bodily injuries caused by hooliganism and intentional infliction of moderate bodily injuries) or only according to the second part of Article 231 (for intentional infliction of moderate bodily injuries caused by hooliganism). The complex criminal offenses provided for in the criminal law makes it difficult to determine the correct classification of the offense.

To determine the correct qualification of the above-mentioned offense, the extent of harmful effects provide for in the norms must be compared; this can be done by comparing the maximum limits of the sentence of imprisonment provided for in the provisions of the Criminal

[19] Hamkova, D. (2015). Noziedzīga nodarījuma kvalificēta un salikta sastāva konstrukcijas problēmas. *Tiesību efektivitāte postmodernā sabiedrībā. Latvijas Universitātes 73. zinātniskās konferences rakstu krājums*: LU Akadēmiskais apgāds, 159.lpp.

Law. For example, when comparing penalties, it can be seen that the sanction of the second part of Section 231 of the Criminal Law, which is a broader provision of the law, imposes a maximum term of imprisonment for a period of up to five years and is more severe in comparison with the penalty in the first part of Section 126 of the Criminal Law which foresees a maximum term of imprisonment of up to three years. The penalty foreseen for criminal law provision that covers a broader context encompasses a penalty for a provision that covers a narrower context, so the offense must be classified only on the basis of the provision with the broader context - Section 231, Paragraph two of the Criminal Law. The opposite situation is created while comparing the penalty in the second part of Section 231 of the Criminal Law with the penalty in the second part of Section 126 of the Criminal Law. Comparing the penalties foreseen, it is evident that the penalty foreseen in the second part of Section 231 of the Criminal Law is equal to the penalty foreseen in the second part of Section 126 of the Criminal Law, which also provides for a maximum term of imprisonment for a period of up to five years. In cases where the penalty of the broader context provision is equal to a penalty foreseen by narrower context provision, the offense constitutes a conceptual aggregation of criminal offences and the classification should be determined in accordance with the second part of Section 231 of the Criminal Law and the second part of Section 126 of the Criminal Law, as it is necessary to cover all the harmful consequences of the offense.

Before determining the classification of the offense, it is necessary to compare the maximum imprisonment foreseen in the provisions that cover a broader context with that which covers a narrower context - the collision of provisions with narrower and broader context is not possible, and the offense constitutes a conceptual aggregation of criminal offenses, if the penalty foreseen in the provision with narrower context norm is the same or greater than that foreseen in the broader or more serious context and stems from the principle of fairness that serious consequences should not be penalised by lighter penalties. The conceptual aggregation is not a rigid classification, and the classification of an offense may change depending on the current version of the Criminal Law - by reducing or increasing the maximum penalty for imprisonment in the Criminal law norms (with respect to the provisions with narrower and broader contexts), it is possible to constitute a new or exclude an existing case of conceptual aggregation of criminal offences.

The role of the forms of guilt in the classification of a conceptual aggregation. The conceptual aggregation of criminal offenses cannot be constituted by criminal offenses, where criminal liability is foreseen for one and the same consequence, i.e. if one provision of the Criminal Law provides for criminal liability for harmful consequences arising out of negligence, while the second Criminal Law provides for criminal liability for the same harmful consequences

arising out of intentionally committed crimes. For example, the criminal offense provided for in Section 146 of the Criminal Law cannot constitute the conceptual aggregation of criminal offenses with the criminal offenses provided for in Sections 125, 126 and 130 of the Criminal Law, since the form of guilt differs but the offences lead to one and the same for the same harmful consequences. Doctor of Law V. Liholaja points out that from the subjective perspective the requirements of the regulatory enactments regulating labour protection or technical safety can be violated intentionally and by negligence, but the perpetrator's attitude to the consequences always manifests itself as negligence. [20] As a result of violation of the requirements of regulatory enactments governing labour protection or technical security, personal bodily injuries are caused to a person only due to negligence, but the personal bodily injuries provided for in Sections 125, 126 and 130 of the Criminal Law are caused only intentionally. The criminal offense provided for in Section 146 of the Criminal Law cannot constitute the conceptual aggregation of criminal offenses with the criminal offenses provided for in Sections 125, 126 and 130 of the Criminal Law, since the form of guilt differs even when the offenses have one and the same harmful consequences. Similarly, there are other criminal offenses criminal liability is foreseen for one and the same consequences where one Criminal Law provision prescribes liability for harmful consequences due to negligence, while the other provides liability for the same harmful consequences due to intent. The conceptual aggregation of criminal offenses is not constituted, and the offense must be classified according to the offense provided for in the Criminal Law, which covers all the constituent elements of the criminal offense. It should be noted that by amending the Criminal Law the form of guilt in relation to one and the same consequences created, it is possible to constitute a new or exclude an existing case of conceptual aggregation of criminal offences.

3. Delimiting conceptual aggregation of criminal offences from complex criminal offences and the collision of norms

Delimiting of the conceptual aggregation of criminal offenses from complex criminal offenses. The second part of Section 23 of the Criminal Law lists separate (unitary) types of criminal offenses, but not all offences. The legislator has established in this norm that " *A separate (unitary) criminal offence is also constituted by continuous and continuing criminal offences*". The Criminal Law does not indicate that separate (unitary) criminal offenses are also constituted by separate simple and complex criminal offenses. The existence of a separate simple and complex criminal offenses stems implicitly from the concept of a separate (unitary) criminal

[20] Krastiņš, U., Liholaja, V., Niedre, A. (2009). *Krimināltiesības. Sevišķā daļa. Trešais papildinātais izdevums.* Zinātniskais redaktors prof. U. Krastiņš. Rīga: Tiesu namu aģentūra, 244.lpp.

offense regulated by the Criminal Law. Taking into account the separate (unitary) offenses listed in the criminal law doctrine, the author proposes to supplement the second part of Section 23 of the Criminal Law with the wording "*simple*" and "*complex*" and to express the second part of Section 23 of the Criminal Law in the following wording: "*A separate (unitary) criminal offense is constituted by simple, complex, continuous and continuous criminal offenses*." The proposed wording of the Criminal Law would list all the types of separate (unitary) criminal offenses, but in the following sections of the article it is necessary to define the concept of each separate (unitary) type of offense.

It is not proper to regulate a separate complex criminal offense in one concept with a separate simple criminal offense, since a separate simple criminal offense is merely a simple criminal offense, but a separate complex criminal offense by its design is a complicated criminal offense, the concept of which is necessary to be regulated separately from a separate simple criminal offense, as has been the case with the concepts of separate continuous and continuing criminal offenses.

The task of separate complex criminal offenses is to reduce the number of cases of conceptual aggregation of criminal offenses and to facilitate the classification of the offense; however, there are cases where complex criminal offenses continue to constitute a conceptual aggregation of criminal offenses and, due to the newly expressed wording complicate the classification of the offence. For example, the above-mentioned problems hinder the correct classification of the offense when an offence foreseen in the second paragraph of Section 231 of the Criminal Law is committed, if it involves causing personal bodily injuries to the victim.

One of the solutions is to increase the maximum term of imprisonment foreseen for those complex criminal offenses, which are of broader context, thus applying the provision if the maximum term of imprisonment foreseen in the broader context norm is more severe than the maximum term of imprisonment foreseen in the narrower context norm, then the offense has to be classified only on the basis of the broader context norm. The number of cases of conceptual aggregation of criminal offences would be reduced, but the most important problem would not still remain unsolved - to make the classification process simpler and uniformly understandable.

Another solution is to rephrase complex offenses from the broader context to a separate special provision thereby resolving the issue of classification. The Criminal Law contains criminal offenses, where there are no difficulties in classifying a person's offense, because they are special provisions. For example, the second part of Section 269 of the Criminal Law provides for criminal liability for assault upon a representative of public authority or other public official, in connection with lawful official activities of such a person, or commits an assault upon a person who is participating in preventing or interrupting a criminal or otherwise unlawful

offence if as a result of the assault serious bodily injuries are occasioned or other serious consequences caused, or if the assault was committed in an organised group. This provision provides for criminal liability for serious bodily injuries as a result of an assault upon a representative of public authority and additional classification pursuant to Section 125 of the Criminal Law is not necessary, as Section 269 of the Criminal Law is a special provision. The author of the work proposes to reduce the number of norms in the Criminal Law with broader context and to create special provisions instead, since the delimitation of general and special provisions has been set out in Section 26, Paragraph five, thereby resolving the issue of separate complex criminal offenses and delimiting the conceptual aggregation of criminal offenses.

Delimiting the conceptual aggregation of criminal offenses from the collision of norms. There are several types of collision of norms, and each type has a different solution, but the Criminal Law provides solutions only for collision of general and special provisions and the solution to other types of collision is only found in the legal doctrine. This situation leads to the fact that enforcers of Criminal Law make mistakes in the classification of an offense in following just the provisions of the Criminal Law, thereby classifying the collision of norms as conceptual aggregation of criminal offences and vice versa.

According to the author, it is necessary to supplement the Law " On the Procedures for the Coming into Force and Application of The Criminal Law " with the concept of collision of norms in the following wording:

"The collision of norms exists if a criminal offense corresponds to the requirements of the Criminal Law in the special part:

- *of general and special provisions, then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the special provisions;*
- *of provisions of a broader and narrower context, then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the provision with a broader context, provided the penalty foreseen in the provision with the narrower context is same and not more severe than provided for in the provision with a broader context;*
- *of aggravating and mitigating provisions, then then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the mitigating provisions;*
- *of mitigating provisions, then then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the provision which provides for lighter punishment;*

- *of aggravating provisions, then then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the provision which imposes more severe punishment;*
- *several parts of the same provision, t then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the part of the provision which imposes more severe punishment."*

The concept of collision of norms should be included in the Law " On the Procedures for the Coming into Force and Application of The Criminal Law", as this Law also includes other terms used in the Criminal Law, such as serious consequences, significant damage, large scale and other concepts. By supplementing the Law " On the Procedures for the Coming into Force and Application of The Criminal Law " with the notion of collision norm would resolve the issue of delimitation of collision of norms from the conceptual aggregation of criminal offenses. The legal framework would provide a legal solution for all types of collision of norms.

4. The concept of the factual aggregation of criminal offenses, its constituent elements and determining penalties for criminal offences committed within a factual aggregation of criminal offenses

The concept and constituent elements of factual aggregation of criminal offenses. The third part of Section 26 of the Criminal Law stipulates that two or several mutually unrelated offences committed by a person which correspond to the constituent elements of several different criminal offences, constitute a factual aggregation of criminal offences. The legal concept of the factual aggregation of criminal offenses is inaccurate. It stems from the legal concept of factual aggregation of criminal offenses, that factual aggregation is constituted by several mutually unrelated offenses and the offenses correspond to the constituent elements of several different criminal offences. The notion of factual aggregation does not specify what kind of unrelatedness must exist between criminal offenses to be recognized as factual aggregation of criminal offenses. In fact, almost all criminal offenses committed in factual aggregation are mutually related offenses, and not the contrary, as prescribed by law. For example, in almost all cases of factual aggregation of criminal offenses the criminal subject is one and the same. Exceptional cases when the subject is not mutually unrelated non-interrelated entities are when a person commits a criminal offence within a factual aggregation of criminal offenses as a general subject and the other offences as a specialised subject.

The results obtained during the doctoral research confirm that the crimes committed in factual aggregation correspond to several criminal offenses envisaged by the Criminal Law

rather than the constituent elements of several criminal offenses. In the case of factual aggregation of criminal offenses, a person commits two or more criminal offenses that are not united by the common intent of the person.

After the exclusion of repeat offenses from criminal law, the factual aggregation of criminal offenses is also constituted by one and the same offences committed by persons repeatedly for which criminal liability is foreseen under the same section of the Criminal Law, provided that they are not united by the common intent of the perpetrator. The factual aggregation of criminal offenses is also constituted by criminal offences foreseen under different provisions as well as criminal offenses committed under the same section, committed repeatedly, without a single common intent. For example, the factual aggregation of criminal offenses may be constituted by two or more criminal offenses set forth in Section 180 of the Criminal Law, provided that all the thefts are not covered by a single common intent of the perpetrator, as well as criminal offenses under various sections of the Criminal Law.

In order to correct the inaccuracies in the concept of factual aggregation of criminal offenses in the third part of Section 26 of the Criminal Law which is in force, it should be worded as follows: "*Two or more offenses committed by a person which are not related by the unanimous intention of a person constitute a factual aggregation of criminal offenses*". The concept includes the most important constituent element of factual aggregation of criminal offenses. The factual aggregation of criminal offenses is constituted by two or more criminal offenses committed by a person, but the reference to the absence of a single intention delimits the factual aggregation of criminal offenses from separate continuous criminal offenses committed by a person.

On determining punishment for criminal offenses committed within a factual aggregation. The Criminal Law does not set limits on the extent to which partial punishments could be added together, therefore, there are situations in court practice where the final punishment upon addition of partial sentences is determined to be more than 10 times lower than the total amount of sentences for each offense committed, which is not fair and proportionate. For example, the court sentenced a 6-month prison sentence for a person who committed 32 particularly grievous crimes for each of his crimes, but the final sentence imposed by partially adding up the sentences imposed was determined to be imprisonment for one year and 6 months. [21] The final sentence must be fair and proportionate to the amount of all penalties imposed.

In the case of a factual aggregation of criminal offenses including the lesser punishment within the more serious, an offense for which the lighter penalty is foreseen is seemingly ignored which is wrong. Persons committing several criminal offenses should be punished more severely

[21] Latvijas Republikas Jelgavas tiesas 2015. gada 16. janvāra spriedums krimināllietā Nr. 11221041414.

than those who commit a similar unitary criminal offense. There are cases in court practice that lead us to reflect whether it is fair and proportionate that a person has been sentenced for criminal under factual aggregation of criminal offenses with the same punishment as a person committing a separate (unitary) criminal offense by including the lesser punishment within the more serious.

The legal framework of the first, second and third parts of Section 50 of the Criminal Law do not achieve its purpose in relation to the penalty foreseen. A regulation that mitigates the liability for several criminal offenses committed does not restore justice and does not punish the perpetrator for each of the offenses committed because the perpetrator only receives a formal sentence for each criminal offence committed and only receives a real penalty for one or a few of the criminal offenses committed.

In the author's opinion, it would be appropriate to supplement the first part of Section 50 of the Criminal Law with the words: "*Partially adding together the punishments imposed, the final punishment shall be not less than half the amount of the penalties imposed for each offense committed separately*" and to exclude the words "*including the lesser punishment within the more serious or*" and to express the first part of Section 50 of the Criminal Law in the following wording: " *If a person has committed several independent criminal offences, a court in rendering a judgment or the public prosecutor by drawing up a penal order shall determine punishment separately for each criminal offence. In such case the final punishment shall be determined according to the aggregation of the criminal offences by completely or partially adding together the punishments imposed. Partially adding together, the punishments imposed, the final punishment shall be not less than half the amount of the penalties imposed for each offense committed separately*." The words "*including the lesser punishment within the more serious or*" in the second part of Section 50 of the Criminal Law should also be deleted. The proposed wording will rule out the possibility of imposing the lesser punishment within the more serious and the final penalty will result in a real penalty for each of the offenses committed and consequently the offense punishable by the lighter punishment will not be ignored. In turn by limiting the size of the final sentence to the partial addition of sentences, there will be a limited possibility of imposing unfair and disproportionately low fines in relation to the total amount of penalty imposed, since the final sentence has to be fair and proportionate in relation to the total amount of penalty imposed.

5. The delimitation of factual aggregation from continued criminal offenses

The clarification of the objective pursued by the perpetrator while committing the offence is one of the possibilities of determining the correct classification of the offense, that is, to

delimit a separate continuing criminal offense from a factual aggregation of criminal offenses, since, depending on the objective of the perpetrator the offense can be classified as a complex or continuous criminal offense or criminal offenses committed under a conceptual aggregation or factual aggregation of criminal offenses thereby affecting the determination of punishment accorded to the perpetrator. The clarification of the objective of the perpetrator committing the offence is one of the possibilities of determining the correct classification of the offense when it is not possible to justify the subjective part being prosecuted in the criminal offense with the other evidence obtained in the case. For example, when a person has the objective of stealing two objects in two attempts, which he subsequently carries out, the objective pursued combines both thefts of the person with a single intention and the offense must be classified as a continuous criminal offense.

The law doctrine incorrectly states that the objective part of a separate continuing criminal offense consists of several actions that are connected by a relatively short period of time. Results obtained during the doctoral research confirm that a separate continuous criminal offense may last for a very short time or even for several years. The duration of a separate continuous criminal offense depends on the perpetrator's opportunities and the desire to achieve his/her goal at a particular time. A separate continuing criminal offense is completed when the offender has fully achieved his or her stated goals or has, by failing to meet his/her stated objective, has set a new goal in place of the already achieved goal. For example, a person sets the goal of stealing five items in five attempts, but after the fourth stolen subject discards his/her goal of theft of the fifth item; therefore, with the theft of the fourth object, the goal pursued, which combines the four thefts with a single intention has been achieved, and the offense must be classified as a continuing criminal offense.

Another possibility to delimit a separate continuing criminal offense from crimes committed within factual aggregation is to assess the actual performance of the offense. Elements of a criminal offense must be assessed in relation to one another, since the will of the perpetrator can justify the actual performance of the offence or vice versa, when the actual performance of the offense indicates the true will of the perpetrator. There are cases where the actual performance of the offense contains an indication of the objective pursued by that person, therefore, in assessing the actual performance of the offense, criminal offenses committed within factual aggregation of criminal offenses can be delimited from a continuing criminal offense. For example, when assessing the actual performance of an offense committed by a person, it is discovered during investigation at the scene of the crime that the perpetrator has made several knife stabs by pointing the knife at parts of the body of two victims where vital organs are located, resulting in the death of both victims. From the actual performance of the offense, it can

be seen that the objective pursued by the person was to commit the murder of both victims and the offense must be classified in accordance with Section 118 (2) of the Criminal Law as a continuing criminal offense.

However, the most accurate way to delimit a continuous criminal offense from factual aggregation of criminal offenses is to ascertain the objective pursued by the perpetrator of the offense before committing the offense. The clarification of the objective of the person is the most precise, fairest and most legitimate way to delimit a separate continuing criminal offense from a factual aggregation of criminal offenses.

CONCLUSIONS AND PROPOSALS

The hypothesis put forward in the doctoral thesis is that the ununiform understanding of the aggregation of criminal offenses, conceptual aggregation, factual aggregation and the collision of criminal law norms is caused by imprecise criminal law provisions and, consequently, its inaccurate interpretation affects court practice. The doctoral research results have affirmed the hypothesis put forward and based on the analysis of the normative enactments, law doctrine and court practice carried out within the framework of the doctoral thesis, the author has drawn conclusions and put forward proposals for the elimination of the deficiencies identified during the doctoral research.

1.

Conclusion: The Criminal Law does not list the types of aggregation of criminal offenses.

Proposal: Amend the first paragraph of Section 26 of the Criminal Law and express it with the wording: „ *Aggregation of criminal offences shall be constituted by the conceptual and factual aggregation of criminal offences.*"

The Criminal law must list the types of aggregation of criminal offenses that constitute the aggregation of criminal offenses and only then subsequently as provided for in the second and third paragraphs of Article 26 of the Criminal Law define the concepts of types of conceptual and factual aggregation of criminal offenses.

2.

Conclusion: The legal concept of the conceptual aggregation of criminal offenses is inaccurate. The ununiform understanding of the conceptual aggregation of criminal offenses leads to constituent elements that are inaccurate, resulting in an inaccurate interpretation that affects court practice.

Proposal: The second paragraph of Section 26 of the Criminal Law should be worded as follows: *"An offense committed by a person that corresponds to several simultaneously committed criminal offenses, whose factual performance partly or fully coincide, constitute a conceptual aggregation of criminal offenses*."

The concept proposed by the author of the conceptual aggregation of criminal offenses includes it most important constituent element, without which the conceptual aggregation cannot be formed - the offenses are committed simultaneously, and their actual performance partly or completely coincide. The proposed concept of the conceptual aggregation of criminal offenses identifies the most important constituent element of the conceptual aggregation, without which the conceptual aggregation cannot be formed. The classification criterion for the ideal

combination of offenses is simultaneity and a partial or complete coincidence of the actual performance.

3.

Conclusion: The legal concept of the factual aggregation of criminal offenses is inaccurate.

Proposal: The third part of Section 26 of the Criminal Law should be worded as follows: "*Two or more offenses committed by a person which are not related by the unanimous intention of a person constitute a factual aggregation of criminal offenses*".

The concept includes the most important constituent element of factual aggregation of criminal offenses. The factual aggregation of criminal offenses is constituted by two or more criminal offenses committed by a person, but the reference to the absence of a single intention delimits the factual aggregation of criminal offenses from separate continuous criminal offenses committed by a person.

4.

Conclusion: The circumstances leading to the exclusion of an aggregation of criminal offenses are not listed together but are mentioned in various parts of Section 26 of the Criminal Law. Certain conditions for the exclusion of an aggregation of criminal offence must be deduced from the concept of aggregation of criminal offenses. The abovementioned makes it difficult to identify the circumstances for the exclusion of the conceptual aggregation of criminal offenses.

Proposal: The fourth paragraph of Section 26 of the Criminal Law is to be worded as follows: *"The aggregation of criminal offenses is not constituted if a person has been convicted, released from criminal responsibility or the statute of limitations for the criminal offence has expired, or the offense constitutes a collision of norms*."

By regulating the circumstances excluding the aggregation of criminal offenses in one part of the section, the conditions for the exclusion of the conceptual aggregation of criminal offenses as well as factual aggregation of criminal offences would be listed together. Similarly, law enforcement agencies no longer need to deduce the conditions for the exclusion of the aggregation of criminal offences from the notion of aggregation of criminal offences.

5.

Conclusion: The fifth paragraph of Section 1 of the Criminal Law and Section 25, Paragraph 1 of the Criminal Procedure Law regulate the principle of inadmissibility of double punishment, which does not cover the content and meaning of the entire principle of the inadmissibility of double punishment, namely that no one may be tried or punished for a number of simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense.

Proposal: The Section 1 of the Criminal Law should be supplemented with the sixth part and worded as follows: "*A person may be tried or punished only for one of several simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense.*"

The first part of Section 25 of the Criminal Procedure Law should be appended with the sentence: "*a person may be tried or punished only for one of several simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense*" and the first part of this section shall be worded as follows: "*No one shall be tried or punished for an offense for which he or she has already been acquitted or punished in Latvia or abroad in a criminal case or an administrative offense according to law which has been adopted and is in force in accordance with the procedure established by law. A person may be prosecuted or punished only for one of several simultaneous criminal offenses, where criminal liability is foreseen for one and the same offense.*"

The proposed wording of the concept of double punishment would include a very important element that a person may be prosecuted or sentenced for only one of several simultaneously committed criminal offenses punishable by criminal liability for one and the same offense. By including the above-mentioned element in the concept of inadmissibility of double punishment, the content and purpose of the principle of inadmissibility of double punishment will be fully explored – prohibiting the prosecution of persons under several norms of the Criminal Law, which in essence foresee criminal liability for one and the same thing.

6.

Conclusion: The second part of Section 23 of the Criminal Law lists separate (unitary) types of criminal offenses, but not all offences. The Criminal Law does not indicate that separate (unitary) criminal offenses are also constituted by separate simple and complex criminal offenses. The existence of a separate simple and complex criminal offenses stems implicitly from the concept of a separate (unitary) criminal offense regulated by the Criminal Law.

Proposal: supplement the second part of Section 23 of the Criminal Law with the wording "*simple*" and "*complex*" and to express the second part of Section 23 of the Criminal Law in the following wording: "*A separate (unitary) criminal offense is constituted by simple, complex, continuous and continuous criminal offenses.*"

The proposed wording of the Criminal Law would list all the types of separate (unitary) criminal offenses, but in the following sections of the article it is necessary to define the concept of each separate (unitary) type of offense.

7.

Conclusion: There are several types of collision of norms, and each type has a different solution, but the Criminal Law provides solutions only for collision of general and special

provisions and the solution to other types of collision is only found in the legal doctrine. This situation leads to the fact that enforcers of Criminal Law make mistakes in the classification of an offense in following just the provisions of the Criminal Law, thereby classifying the collision of norms as conceptual aggregation of criminal offences and vice versa.

Proposal: Supplement the Law " On the Procedures for the Coming into Force and Application of The Criminal Law " with the concept of collision of norms in the following wording:

"The collision of norms exists if a criminal offense corresponds to the requirements of the Criminal Law in the special part:

- *of general and special provisions, then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the special provisions;*
- *of provisions of a broader and narrower context, then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the provision with a broader context, provided the penalty foreseen in the provision with the narrower context is same and not more severe than provided for in the provision with a broader context;*
- *of aggravating and mitigating provisions, then then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the mitigating provisions;*
- *of mitigating provisions, then then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the provision which provides for lighter punishment;*
- *of aggravating provisions, then then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the provision which imposes more severe punishment;*
- *several parts of the same provision, t then the aggregate of criminal offenses is not constituted, and the criminal liability is only determined according to the part of the provision which imposes more severe punishment."*

The concept of collision of norms should be included in the Law " On the Procedures for the Coming into Force and Application of The Criminal Law", as this Law also includes other terms used in the Criminal Law, such as serious consequences, significant damage, large scale and other concepts. By supplementing the Law " On the Procedures for the Coming into Force and Application of The Criminal Law " with the notion of collision norm would resolve the issue

of delimitation of collision of norms from the conceptual aggregation of criminal offenses. The legal framework would provide a legal solution for all types of collision of norms.

8.

Conclusion: In the case of a factual aggregation of criminal offenses including the lesser punishment within the more serious, an offense for which the lighter penalty is foreseen is seemingly ignored. The Criminal Law does not set limits on the extent to which partial punishments could be added together, therefore, there are situations in court practice where the final punishment upon addition of partial sentences is determined to be more than 10 times lower than the total amount of sentences for each offense committed, which is not fair and proportionate.

Proposal: Supplement the first part of Section 50 of the Criminal Law with the words: "*Partially adding together the punishments imposed, the final punishment shall be not less than half the amount of the penalties imposed for each offense committed separately*" and to exclude the words "*including the lesser punishment within the more serious or*" and to express the first part of Section 50 of the Criminal Law in the following wording: " *If a person has committed several independent criminal offences, a court in rendering a judgment or the public prosecutor by drawing up a penal order shall determine punishment separately for each criminal offence. In such case the final punishment shall be determined according to the aggregation of the criminal offences by completely or partially adding together the punishments imposed*. *Partially adding together, the punishments imposed, the final punishment shall be not less than half the amount of the penalties imposed for each offense committed separately*." The words "*including the lesser punishment within the more serious or*" in the second part of Section 50 of the Criminal Law should also be deleted.

The proposed wording will rule out the possibility of imposing the lesser punishment within the more serious and the final penalty will result in a real penalty for each of the offenses committed and consequently the offense punishable by the lighter punishment will not be ignored. In turn by limiting the size of the final sentence to the partial addition of sentences, there will be a limited possibility of imposing unfair and disproportionately low fines in relation to the total amount of penalty imposed, since the final sentence has to be fair and proportionate in relation to the total amount of penalty imposed.

LIST OF LITERATURE AND SOURCES USED

Literature

1. Apfel, H. (2006). *Die Subsidiaritatsklausel der Unterschlagung*. Dissertation. Universitat Bielefeld, 153 S.
2. Dombrovskis, R. (2008). Dažas krimināltiesisko zinātņu teorētiskās problēmas. *Jurista Vārds*, 12.02.2008., No. 6 (511). Iegūts 16.04.2016. no http://www.juristavards.lv/doc/170662-bdazas-kriminaltiesisko-zinatnu-teoretiskas-problemasb/
3. Hamkova, D. (2015). Noziedzīga nodarījuma kvalificēta un salikta sastāva konstrukcijas problēmas. *Tiesību efektivitāte postmodernā sabiedrībā. Latvijas Universitātes 73. zinātniskās konferences rakstu krājums*: LU Akadēmiskais apgāds, 155.-163.lpp.
4. Krastiņš, U. (2016). Šķirtne starp krimināltiesību normu konkurenci un noziedzīgu nodarījumu ideālo kopību. *Administratīvā un Krimināla Justīcija*. No.1/2 (74/75), 34.-37.lpp.
5. Krastiņš, U. (2015). Normu konkurence un noziedzīgu nodarījumu ideālā kopība. *Tiesību efektivitāte postmodernā sabiedrībā. Latvijas Universitātes 73. zinātniskās konferences rakstu krājums*: LU Akadēmiskais apgāds, 175.-184.lpp.
6. Krastiņš, U. (2015). Non bis in idem vai ne bis in idem. *Krimināltiesību teorija un prakse: Viedokļi, problēmas, risinājumi. 2009-2014*. Rīga: Latvijas Vēstnesis, 17.-21.lpp.
7. Krastiņš, U. (2010). Noziedzīgu nodarījumu atkārtotības un kopības teorētiski praktiskie risinājumi. *Jurista Vārds*, 30.11.2010., No.48 (643). Iegūts 10.04.2016. no http://www.juristavards.lv/doc/221831-bnoziedzigu-nodarijumub-atkartotibas-un-kopibas-teoretiski-praktiskie-risinajumi/
8. Krastiņš, U., Liholaja, V., Niedre, A. (2009). *Krimināltiesības. Sevišķā daļa. Trešais papildinātais izdevums.* Zinātniskais redaktors prof. U. Krastiņš. Rīga: Tiesu namu aģentūra, 866 lpp.
9. Krastiņš, U. (2009). Krimināltiesisko normu konkurence. *Krimināltiesību teorija un prakse: Viedokļi, problēmas, risinājumi. 1998-2008*. Rīga: Latvijas Vēstnesis, 129.-134.lpp.
10. Krastiņš, U., Liholaja, V., Niedre, A. (2008). *Krimināltiesības. Vispārīgā daļa. Trešais papildinātais izdevums*. Zinātniskais redaktors prof. U.Krastiņš. Rīga: Tiesu namu aģentūra, 504 lpp.
11. Krastiņš, U. (2007). Noziedzīgu nodarījumu daudzējādības kvalifikācijas problēmas. *Jurista Vārds*, 20.11.2007., No.47 (500). Iegūts 05.06.2016. no http://www.juristavards.lv/doc/166503-bnoziedzigu-nodarijumu-daudzejadibas-kvalifikacijas-problemasb/

12. Krastiņš, U. (2004). Vai Krimināllikumā ir vajadzīgas antikonstitucionālas normas. *Jurista Vārds*, 23.03.2004., No. 11 (316). Iegūts 16.04.2016. no http://www.juristavards.lv/doc/85855-vai-kriminallikuma-ir-vajadzigas-antikonstitucionalas-normas/
13. Krastiņš, U. (2000). Noziedzīgu nodarījumu reālā kopība un atkārtotība. *Administratīvā un Krimināla Justīcija*, No.1 (10), 40.-41.lpp.
14. Leja, M. (2013). *Krāpšanas aktuālie jautājumi Latvijas un ārvalstu tiesībās*. Rīga: Tiesu namu aģentūra, 634 lpp.
15. Liszt, F. (1927). *Lehrbuch des deutschen Strafrechts*. Berlin: Gruyter, 976 S.
16. Mincs, P. (2005). *Krimināltiesību kurss. Vispārīgā daļa. Ar U.Krastiņa komentāriem*. Rīga: Tiesu namu aģentūra, 351 lpp.
17. Persidskis, A. (2017). Noziedzīgu nodarījumu ideālās kopības nošķiršana no normu konkurences. *Administratīvā un Krimināla Justīcija. No.*2 (79), 44.-49.lpp.
18. Persidskis, A. (2017). Dubultās sodīšanas nepieļaujamības princips noziedzīgu nodarījumu ideālās kopības kontekstā. *Biznesa augstskolas Turība konferenču rakstu krājums. XVIII International scientific conference „Komunikācija globālajā ciemā: Intereses un ietekmes”*. Rīga: Biznesa augstskola Turība, 146.-152.lpp.
19. Persidskis, A. (2016). The influence of disposition on conceptual aggregation of criminal offences classification. *Proceedings of the 58th International Scientific Conference of Daugavpils University. Part B. Social sciences.* Daugavpils: Daugavpils Universitātes akadēmiskais apgāds „Saule”, 147.-157.lpp.
20. Persidskis, A. (2016). Sankcijas ietekme uz noziedzīgu nodarījumu ideālās kopības kvalifikāciju. *Biznesa augstskolas Turība konferenču rakstu krājums. XVII International scientific conference „Competitive Enterprises In A Competitive Country”*. Rīga: Biznesa augstskola Turība, 195.-203.lpp.
21. Persidskis, A. (2016). Vainas formas nozīme noziedzīgu nodarījumu ideālās kopības kvalifikācijā. *Administratīvā un Krimināla Justīcija.* No.1/2 (74/75), 54.-63.lpp.
22. Persidskis, A. (2015). Noziedzīgu nodarījumu ideālās kopības pazīmes. *Administratīvā un Krimināla Justīcija*. No.3 (72), 41.-49.lpp.
23. Persidskis, A. (2015). Soda noteikšana par noziedzīgu nodarījumu kopību. *Administratīvā un Krimināla Justīcija*. No.2 (71), 34.-42.lpp.
24. Persidskis, A. (2015). Noziedzīgu nodarījumu ideālās kopības jēdziens. *Jurista Vārds*, 22.09.2015., No.37 (889), 20.-26.lpp.
25. Persidskis, A. (2014). Noziedzīgu nodarījumu reālā kopība kā atbildību pastiprinošs apstāklis. *Jurista Vārds*, 29.07.2014., No.29 (831), 24.-27.lpp.

26. Puppe, I. (2016). *Strafrecht Algemeiner Teil im Spiegel der Rechtsprechung 3. Auflage*. Baden-Baden: Nomos Studium, 391.-397.S.
27. Steinberg, G., Bergmann, A. (2009). *Über den Umgang mit den „Konkurrenzen" in der Strafrechtsklausur*. Iegūts 29.05.2017. no http://www.juraexamen.info/wordpress/wp-content/uploads/jura.2009.905.pdf
28. Колосовский, В.В. (2003). Ошибки при квалификации по объекту и предмету преступления. *Вестник Челябинского государственного университета*. Выпуск № 1 / том 9., 22.-27.стр.
29. Наумов, А.В., Никулин, С.И., Рарог, А.И., и др. (2006). *Уголовное право России. Части общая и особенная: учеб. / Под ред. А.И. Рагора. - 5-е изд., переработанное и дополненное*. Москва: Издательство Проспект, 704 стр.
30. Плотникова, М.В. (2004). *Множественность преступлений: соотношение ее разновидностей*. Москва: Московский психолого - социальный институт, 80 стр.
31. Салахова, Ж.В. (2007). Влияние объекта и предмета преступления на квалификацию преступлений против собственности. *Вестник Челябинского государственного университета*. Выпуск № 9., 82.-89.стр.
32. Сорокин, А.И. (2008). *Множественность преступлений и её уголовно-правовая оценка. Автореферат диссертации на соискание учёной степени кандидата юридических наук*. Москва: Центр оперативной полиграфии ФГОУ ВПО РГАУ – МСХА, 31 стр.
33. Шишкин, Н.А. (2009). Особенности предмета преступлений, связанных с уничтожением и повреждением имущества. *Вестник Воронежского института МВД России*. Выпуск № 2, 9.-15.стр.
34. Шкредова, Э.Г. (2006). Формирование норм о множественности преступлений в рамках некодифицированного уголовного законодательства России (X-XVIII ВВ.). *Вестник Оренбургского государственного университета*. Выпуск № 3., 185.-187.стр.

Court practice

1. Latvijas Republikas Jelgavas tiesas 2015. gada 16. janvāra spriedums krimināllietā No. 11221041414