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Falsification of Evidence in the Civil Case (Part 1, Art. 303 of the Criminal Code of the Russian Federation)

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The article considers the objective side of the offense that is specified in Part 1, Article 303 of the Criminal Code of the Russian Federation. We analyze the term "falsification" in relation to evidence in a civil case. It is concluded that the concealment or destruction of evidence is not the method of its falsification.

Keywords: falsification, evidence, civil case.

The objective aspect of falsification of evidence in the civil case (Part 1, Art. 303 of the Criminal Code of the Russian Federation) is stated with the single word – "falsification", the essence of which can be determined by its etymological analysis. The term "falsification" comes from the Latin word «falsus» that means "false, incorrect", and in this sense it has a meaning of the substitution of something authentic and genuine with something false and sham¹. The word that is derived from falsification is the Latin word «falsifico» that means fabrication, misrepresentation of some information². We can therefore come to the conclusion that from the objective side this offense is represented both in the misrepresentation of genuine evidence in civil proceedings by its complete or partial forgery, and in the substitution of such evidence with another

one that is falsified. Criminal and legal meaning of tampering with evidence is misrepresentation of the information about the facts that are necessary to establish the circumstances grounding the claims and objections of the parties that are important to the proper disposition of a civil case. As it is noted in the special literature the matter is the certain manipulation with material objects of evidential information, such as written or physical evidence³.

Typical methods of falsification of evidence in a civil case are both the change, misrepresentation of primary evidence, and the creation (making, fabrication) of false evidence, and the combination of these methods. From this point of view one can mark out the material and intellectual forgery. Material forgery includes, for example, removal of the part of information from

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