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ESSENCE OF THE FRAUDULENT BANKRUPTCY**DARYA MALININA, EVGENY DEKHTYAROV****Polotsk State University, Belarus**

The article deals with the historical aspects of the fraudulent bankruptcy. Some attention is paid to types of fraudulent bankruptcy and subjects of this type of crime. The statistical data cover the period from 1999 to the present days are considered. A list of scientists and practitioners who have dedicated their scientific works to economic insolvency and its criminal manifestations is provided.

The process of economic public domain reforming is time-consuming and very difficult with various obstacles on its way. Risky economic activity within the scope of the market economy is caused by intense competition. In such circumstances initiative people can achieve great success and become rich and independent from authority. On the other hand, it can lead them to bankruptcy. Unreasonable risks and enterprise mismanagement can lead and do often lead to the market participants' solvency fall, to their invalidity in terms of paying capacity and creditworthiness. But it is necessary for the economy, in this way it develops and consolidates strong economic actors [1, p. 3].

Historically, bankruptcy itself was considered to be a serious offense. If we look at this issue, we can see that the punishment for a bankrupt was tough; a debtor could be even sentenced to death. Napoleon used to compare all the debtors with the captains who left their ships [2].

According to the Tsarist Russia's laws people committing a malicious bankruptcy in the trade sector were punished by exiling to Siberia and depriving of all their privileges. Those who committed the same offense in another field could "get away" with temporary detention for up to two and a half years with the stigma of a thief on the body [2].

In today's world the law is more loyal to bankrupts because the aim of the bankruptcy procedure is not to liquidate a business and sell off all its property, but trying to find ways to "breathe life" into it and to recover solvency [2]. If that is impossible, they try to distribute its assets among the creditors according to the law.

Bankruptcy itself is an instrument of a free market economy. In the context of criminalization, bankruptcy has become a means of unfair enrichment, seizure and redistribution of property. The implementation of fraudulent bankruptcy indicates the emergence and development of new forms of organized economic crime, its deep penetration into the system of economic relations.

V. S. Kamenkov notes the following adverse conditions that can make for economic crimes (including criminal bankruptcy) or obstructive to countermeasures against them, such as lack of public attention to the issues of legal regulation and "saving on costs" of law enforcement officers; gaps in the legislation governing property rights (civil, commercial law, bankruptcy law, etc.), intersectoral legal "inconsistencies"; lack of qualified specialized training law-enforcement agencies and courts.

Depending on the purpose, methods and identity of the beneficiary we can distinguish between two types of criminal bankruptcy:

1. The so-called "contract" bankruptcy based on the desire either to become the new owner of the enterprise or to eliminate it from the market and own its assets. The beneficiary under the "contract" bankruptcy is usually some third party that does not coincide with the personality of the debtor company. The purpose of his action is the seizure of property of the debtor without his will. The methods can vary from buying the debt to initiating bankruptcy proceedings or taking control over the property of the debtor and the possibility of making management decisions.

2. Misconduct related to bankruptcy proceedings. This direction is characterized by the fact that the criminal revision of property is carried out by its management group, or an equity owner, seeking to change the form of ownership in his favor [3, p. 185]. The beneficiaries are usually people who are called the offender, presided in articles 238–240 of the Criminal Code of Belarus (hereinafter referred to as CC).

The subject of criminal bankruptcy is a special person:

- an individual entrepreneur;
- an official of a legal entity;
- the founder (participant) of the legal entity;
- the owner of the property of a legal entity.

The documents reflecting irrelevant or false information on the financial status of the subject entrepreneurial activity serve as one of the main means of committing crimes related to the discovery of economic insolvency (bankruptcy) [4, p.89].

As the law enforcement practice shows, the CC articles on the liability for criminal bankruptcy (Articles 238–240 of the Criminal Code) are almost never used. According to the statistics from the Ministry of Justice

since 1999 only 8 people have been condemned for these crimes, in 2005-2007 under articles 238-240 of the Criminal Code not a single person was convicted [5, p. 94]. According to the State Control Committee of Belarus, under article 239 of the Criminal Code (concealment of economic insolvency (bankruptcy) in 2008 there were 2 criminal cases [5, p.94]. In 2009 one person was convicted of criminal bankruptcy. During the years 2010-2014 under articles 238-240 of the Criminal Code no criminal proceedings were initiated [6, p. 93]. Most cases under these articles are either terminated (due to lack of proof of guilt) or reclassified into other crimes. Noting the high latency of such crimes Belarussian and foreign researchers have called lack of information and methodological support for detection and investigation of these crimes as the main cause. [7] At the same time, the economic damage caused by individual crimes related to the concealment of economic insolvency (bankruptcy) worldwide is sometimes assessed at tens of billions of dollars [4, p. 83].

Among the publications of Belarussian scientists and practitioners dedicated to economic insolvency and its criminal manifestation, we should note scientific works by V.S. Kamenkov, A.V.Karamyshev, N. P. Mytskih, V.A. Lakushev, N.P. Smolski, S.A. Vaskovsky. They are dedicated to such issues as the causes of economic failure, the role of economic courts in bankruptcy prevention, application of legal standards to identify criminal bankruptcy, problems of criminal responsibility, the use of evaluation techniques for the debtors' financial standing, the analysis of shortcomings in legal regulation of this process.

In the end we must add that misconduct in bankruptcy, as well as fictitious bankruptcy regarded as criminal offenses are a relatively new phenomenon in modern society. This problem has not been studied in depth by modern jurists. Generally, the studies in this area are episodic and related to some specific problems. Unfortunately, very few domestic works are dedicated to the crimes associated with bankruptcy, and even more so, the analysis of the reasons for their commission, counteraction, criminological characteristics of such crimes remain practically undisclosed.

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GENDER DIFFERENCES IN PERCEPTION OF AN IMAGE OF A PSYCHOLOGIST

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The article reveals gender differences in perception of the image of a psychologist. Social perception refers to the processes through which people use available information to form impressions. People often try to simplify information about other people by putting other people into useful categories. A fixed set of characteristics is often attributed to these groups. There are quite a lot of stereotypes about psychologists. For effective work of a psychologist it is necessary to know these stereotypes and use them to create a successful professional image.

Social perception is an important and complex psychological process responsible for certain human behavior. Social perception provides the interaction of people and determines the nature of the interaction. The complexity and diversity of activities makes a psychologist's work meaningful and intense. Psychologists often