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## IMPACT OF THE ECONOMIC JUSTIFICATION OF PUNISHMENT ON THE SYSTEM OF CERTAIN CRIMES

Gary Becker's theory («Crime and Punishment: An Economic Approach») was studied and presented in the article. In this theory, Gary Becker presents the criminal as an individual who evaluates his income and costs, his time, and his risk differently. Based on this, he divides criminals into two categories:

- risk-prone criminals, for whom the likelihood of detection plays a huge role,
- risk-averse criminals, for whom the severity of punishment is of paramount importance.

Based on this, the articles on theft in the Criminal Code of the RA and foreign countries were studied.

We also studied the statistics of theft and crime and statistics of crime detection.

In addition, to understand how the severity of punishment affects the theft rate in the RA and foreign countries, we introduced the economic index of the severity and the weighted economic index of punishment. We found out that the economic index of the severity of punishment does not have an impact on the crime rate. However, in the RA the weighted economic index of punishment has a more significant impact on criminal intent of criminals, which reduces the number of theft cases. Also, the main risk factor

*for criminals in the RA and foreign countries is the likelihood of crime detection, which is discussed in Becker's theory.*

**Keywords:** *criminal, rational behavior, economic profit, theft, criminal code, the economic index of the severity of punishment, the crime index*

JEL: D63, K42

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**INTRODUCTION.** The economic approach to crime is controversial. It seems that a rational offender who has already been punished should not re-offend. However, such reasoning is based on a misunderstanding of rationality. G. Becker gives the following analogy: if a construction worker suffers a serious injury and for a long time is out of production, it does not mean that after recovery, he will give up his dangerous profession. A rational worker, choosing a profession, preliminarily assesses the risk of his labor, and therefore, an accident does not change his choice. The fact that lawbreakers return to criminal activity after serving their sentences proves the rationality of their choice. Moreover, the incentive to pursue a criminal career after leaving prison is even stronger because in prison, prisoners learn more about how to commit crimes by socializing with each other, and it becomes even more difficult for them to obtain legal employment after release than it was before their conviction (Helpiks, 2016).

**LITERATURE REVIEW.** Beginning with the work of economist and Nobel laureate Gary Becker in 1968, economists have invaded the field of criminology, using their all-embracing model of individual rational behavior (Rubin & Shepherd, 1968).

Gary Becker, in his theory "Crime and Punishment: An Economic Approach", states that a person commits a crime if the utility expected from it exceeds the utility they could have obtained by using their time and energy in other ways: "Some people become criminals, not because their underlying motivation is different from that of other people, but because they evaluate costs and benefits differently" (Kalyagin, 2007).

Based on varying attitudes towards risk, Gary Becker argues that the probability of being caught significantly more deters individuals inclined towards risk than by the severity of punishment itself. Conversely, for risk-indifferent individuals, increasing the severity of punishment serves as a stronger deterrent. According to Becker, since most criminals are risk-prone individuals, reducing crime rates in society would be more effectively achieved by increasing the probability of punishment by 1% rather than increasing its severity by the same percentage (Kalyagin, 2007).

Based on Becker's theory, the research aimed to assess the economic justification and impact of punishment on the rates of certain crimes by studying

punishments foreseen for certain crimes in the criminal codes of the RA and foreign countries, statistics of their commitment, and detection.

To achieve the above-mentioned goal, the following tasks were set:

- To study research conducted in the economic direction of crimes and punishments,
- To study and define the penalties in the form of imprisonment, restriction of liberty, or fines provided by the criminal codes of both the RA and several foreign countries, which are intended for theft,
- To study the statistics of thefts, crimes, and their detection,
- To identify the relationship between the level of theft in the RA and foreign countries and the punishment provided for it, as well as the level of crime detection.

**RESEARCH METHODOLOGY.** The methods of theoretical research, induction, comparative analysis, and combination were used to achieve the purpose of the work.

Through theoretical research, the works of Nobel Laureate Gary Becker on economics were studied. The criminal codes of the Republic of Armenia and several foreign countries, as well as crime statistics were studied by the method of comparison to identify a possible relationship between the level of crimes and the punishments provided for them. The issue of the varying severity of penalties for similar crimes in different countries and its impact on crime rates was also assessed through comparative analysis. To make the analysis comparable, we applied similar indicators for these countries (average wages and average duration of imprisonment or restriction of liberty) in the proposed indexes. As a result, tables and charts were compiled for the individual components. The databases of the RA Prosecutor's Office (Report on the National Assembly of the RA from 2007 to 2022), the Statistical Committee of the Republic of Armenia (Socio-Economic Situation of the RA), the Numbeo, and others served as an information base for this research. Using the induction method, it was possible to make relevant conclusions by comparing the results we obtained.

**ANALYSIS.** Based on the economic theory of crime and punishment, we examined the punishments applied for theft in the RA and foreign countries, assessed their severity, introduced an economic index of punishment severity, and studied the percentage of crime detection in particular countries.

As part of the study, we suggest the introduction of an economic index of the severity of punishment, for the measurement of which we defined the following criteria:

- 1 year of imprisonment will be considered as 2 points,
- a fine, equivalent to the average salary for 1 year: 1 point,
- restriction of liberty for 1 year: 0.5 points.

Table 1

*Punishments provided for theft in the RA and foreign countries*

Country	Imprisonment			Fine			Restriction of liberty		
	in significant amount	in large amounts	in particularly large amount	in significant amount	in large amounts	in particularly large amount	in significant amount	in large amounts	in particularly large amount
Armenia	maximum 2 years	2 to 5 years	4 to 8 years	the maximum amount of 20-fold	the amount of 20-fold to 50-fold	-	maximum 2 years	1 to 3 years	-
Russia	maximum 5 years	maximum 6 years	maximum 10 years	200K rubles	100K-500K rubles	maximum 1M rubles	maximum 1 year	maximum 1.5 years	maximum 2 years
Belarus	maximum 4 years	2 to 7 years	3 to 12 years	-	-	-	maximum 4 years	-	-
UAE	Imprisonment			Fine			Restriction of liberty		
	simple theft		aggravated theft	simple theft		aggravated theft	-		
	6 months to 1 year		2 to 15 years	-		-			
France	Imprisonment			Fine			Restriction of liberty		
	3 years			45K euros			-		
	5 years			75K euros					
	maximum 7 years			100K euros					
Poland	3 months to 5 years			100 to 1.080.000 zloty			-		
Ukraine	3 to 6 years			-			-		
	5 to 8 years								
	7 to 12 years								
Georgia	3 to 5 years			+			-		
	4 to 7 years			-					
	6 to 10 years			-					
Tajikistan	2 to 5 years			the amount of 1000-fold to 2000-fold			-		
	5 to 8 years			-					
	8 to 12 years			-					

**Source:** (Armenian Legal Information System, 2022; UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, 1999; Legislative Herald of Georgia, 1999; Food and Agriculture Organization of the United Nations, 1998; Krilova, Maleshina, Serebrennikova, 2019; Joanna, 2017; Consultant Plus, 2024; Kasyanenko & Partners Law Company , n.d., Judicial Department of Abu Dhabi, 2011)

The index is based on the idea that imprisonment and fines should be comparable. We define imprisonment as a sharp denial of average income (average wage) and the additional costs of imprisonment and reputational costs, which we also consider equal to average income. We consider the restriction of liberty as a cost of prestige and restricted activity and score it at 50% of the average wage. The 1-year average wage is taken as a point, and the punishment is valued at 1 point.

To calculate the economic index of the severity of punishment, let us first examine the average salaries of the RA and several foreign countries for 1 year:

- Armenia: 269.994 drams, annually: 3.239.928 drams (Statistical Committee of the Republic of Armenia, 2023),

- Russia: 73.709 rubles, annually: 884.508 rubles (Average Salary In, 2024),
- France: 3700 euros, annually: 44.400 euros (Instarem, 2024),
- Poland: 7124 zlotych, annually: 85488 zlotych (Minfin, 2023),
- Tajikistan: 600 somonis, annually: 7200 somonis (ASIA-Plus, 2023).

Based on the punishments provided by the criminal codes of the RA and foreign countries, let us calculate the economic index of the severity of punishment for thefts in significant, large, and particularly large amounts. Take into account the following: if the punishment foreseen in the form of imprisonment, restriction of liberty, or fine is presented in the form of an interval (e.g. 1-2 years or from 20-fold to 50-fold), we will take as a basis the arithmetic average of the intervals, i.e. 1.5 years or 35-fold.

Let us also add that obtaining a certain value for each size of theft, for example, in the case of the RA, obtaining 0.006, 1, 1.08 for theft in significant, large, and particularly large amounts, we calculate the arithmetic average of these three numbers: 0.69, the same for theft in large and particularly large amounts (accordingly 1.9 and 6), and in the end, the arithmetic average of the sum of the theft in significant, large and particularly large amounts values, which is an economic index of the severity of punishment.

We would like to add that based on the crime detection rate and the economic index of the severity of punishment; we introduced and calculated a weighted economic index of punishment equal to the product of the latter.

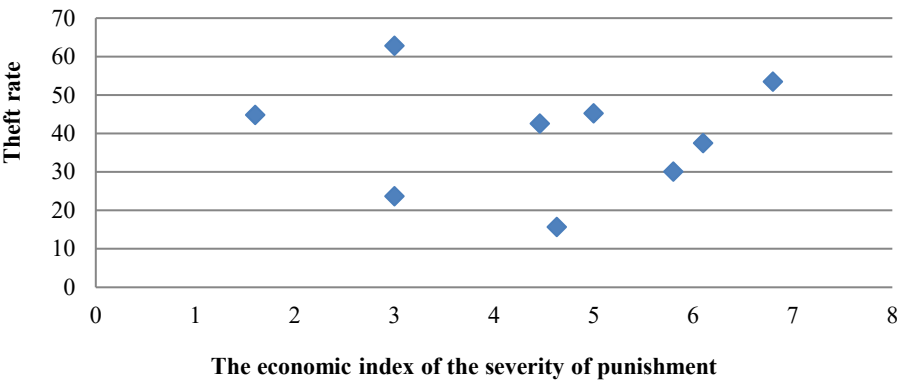
Table 2

*The economic index of the severity of punishment, the weighted economic index of punishment, the crime index and the theft rate of the RA and foreign countries*

Country	The economic index of the severity of punishment	The crime detection rate	The weighted economic index of punishment	Crime index	Theft rate
Armenia	3	57.7%	1.7	22.33	23.72
Russia	1.6	82.5%	1.5	38.87	44.81
Georgia	5.8	62.1%	2.4	25.95	30.07
Ukraine	6.8	58.9%	4	46.87	53.46
Belarus	5	70%	3	50.84	45.25
Tajikistan	6.1	73.2%	4.5	42.89	37.50
Poland	4.46	63%	2.8	31.13	42.58
UAE	4.63	99%	4.5	15.47	15.71
France	3	25%	0.75	55.35	62.79

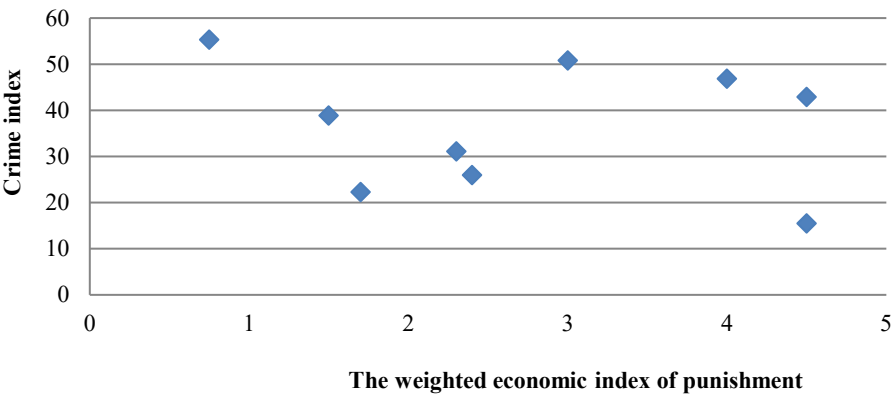
Source: (Hetq, 2022; NUMBEO, 2024; Ministry of Internal Affairs of the Russian Federation, 2021; NEWSGEORGIA, 2024; KAKTUSMEDIA. 2023; Department of Internal Affairs of the Vitebsk Regional Executive Committee, n.d.; Statista, 2022; Voropaeva, 2015; Knyazev, 2023; National Information Agency of Tajikistan, 2023)

By comparing theft rates and economic indexes of the severity of punishment, we tried to assess the correlation between the measures.



**Figure 1.** *The correlation between the theft rate and the economic index of the severity of punishment (NUMBEO, 2024)*

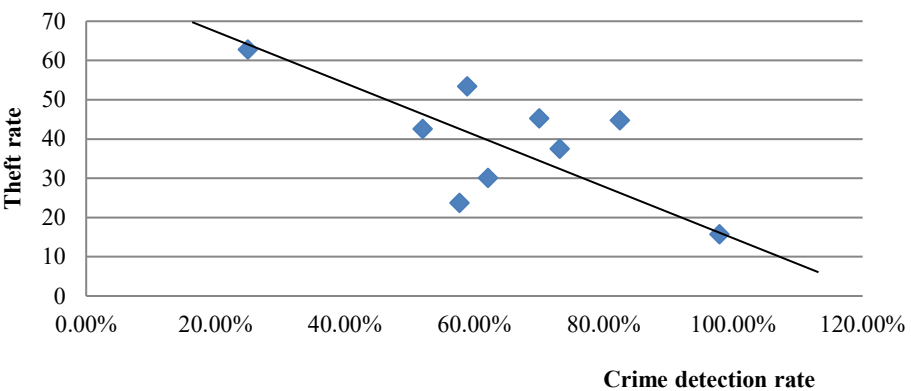
If we consider France (3; 62.79), Belarus (5; 45.25), and Tajikistan (6.1; 37.5), we can notice that as the economic index of the severity of punishment increases, theft rates in the mentioned countries decrease accordingly. But it is not certain because in some countries, the economic index of the severity of punishment is higher, but it does not affect theft rates, or on the contrary. Thus, we do not see a direct correlation between the economic index of the severity of punishment and theft rates, so we also considered a possible relationship between crime and the weighted economic index of punishment.



**Figure 2.** *The correlation between the crime index and the weighted economic index of punishment (NUMBEO, 2024)*

As we can see, the UAE has the highest weighted economic index of punishment (4.5), and the lowest crime index (15.47). In France, the weighted economic index of punishment is quite low (0.75), and the crime index is 55.35. However, this relationship is not reflected in other countries.

We also examined the relationship between theft rates and crime detection rates.



**Figure 3. The correlation between crime detection index and theft rate**  
(Hetq, 2022; NUMBEO, 2024; Ministry of Internal Affairs of the Russian Federation, 2021; NEWSGEORGIA, 2024; KAKTUSMEDIA. 2023; Department of Internal Affairs of the Vitebsk Regional Executive Committee, n.d.; Statista, 2022; Voropaeva, 2015; Knyazev, 2023; National Information Agency of Tajikistan, 2023)

Figure 3 shows that the level of crime detection, in contrast to punishment, has a significant effect and a clear correlation is revealed.

**Table 3**

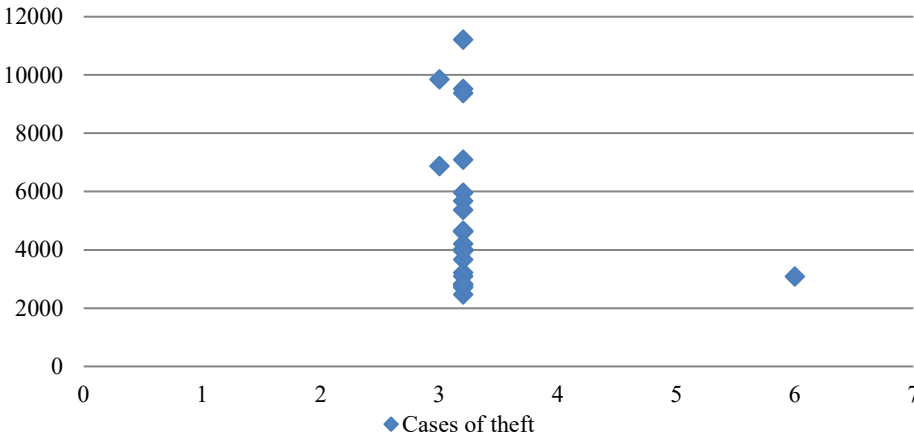
**Economic indexes of the severity of punishment and weighted economic indexes of punishment based on the RA Criminal Codes of different years**

Date of adoption of the current Criminal Code	Year	Cases of theft	Detection rate of crimes against property	The economic index of the severity of punishment	The weighted economic index of punishment
1961y.	2002y.	3086	-	6	-
2003y.	2003y.	2829	-	3.2	-
2003y.	2004y.	2791	-	3.2	-
2003y.	2005y.	2463	-	3.2	-
2003y.	2006y.	3090	-	3.2	-
2003y.	2007y.	2712	63.3%	3.2	2.02
2003y.	2008y.	3216	60.8%	3.2	1.94
2003y.	2009y.	3961	70%	3.2	2.24
2003y.	2010y.	3664	71%	3.2	2.27
2003y.	2011y.	4207	74.2%	3.2	2.4
2003y.	2012y.	4019	72.1%	3.2	2.3
2003y.	2013y.	4659	61.1%	3.2	1.89
2003y.	2014y.	4620	58.8%	3.2	1.88
2003y.	2015y.	5365	57.2%	3.2	1.83
2003y.	2016y.	5677	59.6%	3.2	1.9
2003y.	2017y.	5963	69.2%	3.2	2.21
2003y.	2018y.	7098	45.4%	3.2	1.45
2003y.	2019y.	9378	47.4%	3.2	1.51
2003y.	2020y.	9523	46%	3.2	1.47
2003y.	2021y.	11218	47.5%	3.2	1.52
2022y.	2022y.	9854	27.6%	3	0.83
2022y.	2023y.	6868	10.7%	3	-

**Source:** (Statistical Committee of the Republic of Armenia, 2002-2023; The RA Prosecutor's Office, 2007-2022 )

Now, using data from the Statistical Committee of the Republic of Armenia (Socio-Economic Situation of the RA from 2002 to 2023), let us examine how the changes in the RA indexes Code affected theft statistics. First, let us calculate the economic indexes of the severity of punishment. Having calculated these indexes, it became evident that the economic index of the severity of punishment, appropriate to the punishments defined by the Criminal Code, was 6 in 1961 and 3.2 in 2003.

Let us take a look at the relationship between reported thefts in the RA and economic indexes of the severity of punishment over the period of 2002-2023.

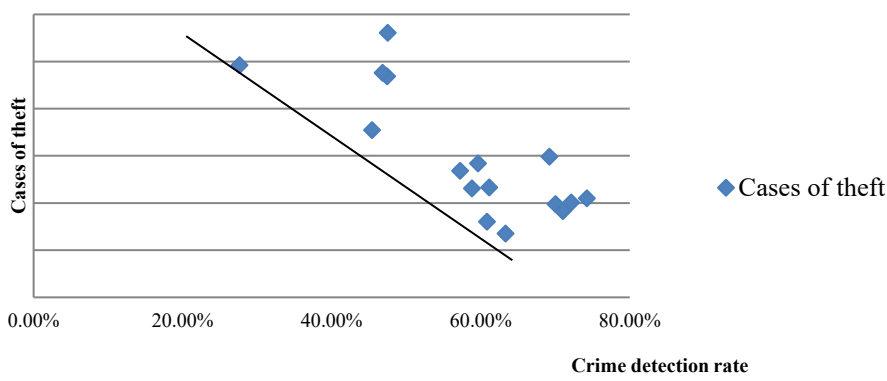


**Figure 4.** *Correlation between theft cases and the economic index of the severity of punishment in the RA from 2002 to 2023 (Statistical Committee of the Republic of Armenia, 2002-2023)*

With an economic index of the severity of punishment equal to 6 under the terms of the 1961 Criminal Code, there were 3,086 theft cases before the new Criminal Code was adopted in 2003. From 2003 to 2021, the economic index of the severity of punishment was 3.2, and the number of theft cases decreased from 2003 to 2005. there was a constant increase since 2007, except in 2010 and 2012, and after legislative changes. In 2022, the economic index of the severity of punishment was 3, and the number of theft cases decreased from 2022 to 2023.

That is, the punishment had some impact on the statistics of theft at some point, but there are exceptions for certain dates.

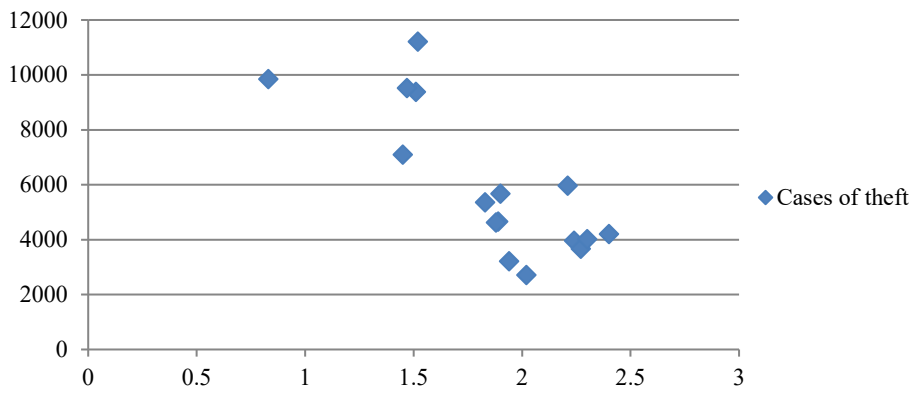
Let us also study the percentage of detection of crimes against property in the RA using the report of the RA Prosecutor's Office from 2007 to 2022.



**Figure 5. The correlation between the detection rate of crimes against property and theft cases in the RA from 2007 to 2022**  
(Statistical Committee of the Republic of Armenia, 2002-2023; The RA Prosecutor's Office, 2007-2022)

As a result of this comparison, it is clear that the crime detection rate was the highest in 2011 at 74.2%, but it decreased by 2.1% in 2012. In 2007, the theft rate decreased, and it should be the other way around. The crime detection rate in 2007 was 2.5% higher than in 2008. Therefore, the theft rate in 2007 was lower. When there were 297 more thefts in 2009 than in 2010, the increase in detection rates contributed to that (by 1%, and as Becker noted, a 1% increase in detection rates contributes to a decrease in crime, which in this case is clear). For example, 2021 had the highest theft rate, and in contrast, 2022 had another 19.9% higher detection rate, but that did not contribute to the 2022 theft rate. So, again, at some point, the detection rate may affect crime, but only in the short term.

Figure 6 shows the relationship between theft cases and the weighted economic index of punishment in the RA.



**Figure 6. The correlation between cases of theft and the weighted economic index of punishment in the RA from 2007 to 2022**  
(Statistical Committee of the Republic of Armenia, 2002-2023)

From the above figure, it can be understood that the weighted economic index of punishment was maximum in 2010 and was 2.27 when theft cases were 3,664, but in 2021, theft cases were maximum at 11,218, and the weighted economic index of punishment for this period was 1.52. If we look at 2011 and 2012, it is evident that along with the decrease in the weighted economic index of punishment, theft cases also decreased. The same pattern can be seen in 2013-2014, 2021-2022, and, for example, in 2015-2016, when the weighted economic indexes of punishment increased, theft cases also increased.

Summarizing the data in Figure 6, we can conclude that there is an inverse relationship between the weighted economic index of punishment and theft rates in the RA.

**CONCLUSIONS.** Based on Becker's model of rational criminal behavior, as well as the types of punishments used for theft in different countries, statistics, crime detection rates and an economic index of the severity of punishment and the weighted economic index of punishment that we introduced, we came to the following conclusions:

- The severity of punishment (the economic index of the severity of punishment) has no direct effect on crime rates. This is proved by the study of statistical data for the last 20 years of the RA, as a result of which it becomes clear that at the same value of the economic index of the severity of punishment, there is a significant increase in theft cases. This means that among the RA criminals, there is an increasing neutral attitude towards risk or severity of possible punishment.
- In the RA, the weighted economic index of punishment has a more significant effect on criminals' criminal intent because the number of thefts increases with its decrease. Since only the detection rate changes over the period specified in the weighted economic index of punishment, the main influence on offenders' criminal intent is the possibility of crime detection.
- The crime detection rate, expressed in Becker's theory, is the main factor of risk and economic cost (the price one has to pay for a crime) for criminals in the RA and in the countries we studied.

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