

CRIMINAL LAW

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Penalization of Crimes against Property: Current Situation and Problems

The article deals with the problems of punishment for crimes against property. Herewith, it provides an analysis of the criminal political aspects, such as penalization and sanctions for crimes stipulated in Chapter 21 of the Criminal Code. An in-depth study of all types of criminal penalties which may be imposed for the specified crimes has been performed. The author emphasizes the high punitive potential of the sanctions, as all of them without exception contain such penalty as imprisonment. Herewith, an average minimum term of imprisonment of 7 years is rather high. The author also draws attention to considerable criminogenic potential of the sanctions against property crimes, as judicial sentencing discretion on a variety of articles is being almost unlimited. Also the differentiation of property offences suffers from substantial drawbacks.

Keywords: sanctions for crimes against property, criminogenicity of sanctions, punitive effect of sanctions.

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Privatization, Inequality and Criminal Liability

The article describes acute problems of imperfection of modern criminal legislation, caused by deep socioeconomic stratification in society. The reasons for this are considered and misgivings are expressed regarding the possible consequences. The author gives arguments for the necessity of modernization of the domestic criminal legislation with taking into account modern requirements.

Keywords: criminal law; social inequality, socioeconomic stratification, equality under the law, personal and public interest, confiscation; criminal liability.

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Natural Resources as Object of Criminal Law Protection

Practice has demonstrated that immovable property, including natural resources, can be an object not only of such crimes against property, as fraud, extortion and appropriation, or peculation, but also theft, robbery and burglary, which all without exception are forms of misappropriation. Traditionally crimes against property and environmental crimes are differentiated by such a characteristic of the object of infringement, as its objectification by human labour. However, in the conditions of market relations the above method often doesn't work. Many items would be considered as objects of crimes against property irrespective of the quantity of human labour embedded in them (objects of nature which are in private property; items of special value, etc.). According to the author, the universal factor to differentiate between crimes against property, infringing on natural resources, and environmental crimes should be the fact whether or not the given objects of nature are involved in economic turnover.

Keywords: criminal law, property, natural resources, object of crime, crimes against property, environmental crimes, differentiation, involving in economic turnover, law enforcement, law development.

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On the Content and Definition of the Concept of "Circumstances Precluding Criminality of Act"

The article identifies and examines the signs that make up the concept of "circumstances precluding criminality of act." In particular, it is concluded that the circumstances under

Chapter 8 of the Criminal Code of the Russian Federation act as a set of conditions, in which a socially important behavioral act, accompanied by the infliction of harm to the legally protected interests is carried out. Considerable attention is paid to understanding the social utility and expediency of the behavior of individuals in such circumstances and justification of the absence of an act of public danger, guilt, criminal unlawfulness and punishability, i.e. its non-criminal nature in general. On the basis of the conducted research the author's definition of the concept of circumstances precluding criminality of act has been formulated. **Keywords:** circumstances precluding criminality of act; social utility and social expediency of behavior; causing legitimate harm.

Vladimir V. Kukharuk

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Changes to Drug Laws and Problems of the Criminal Law Protection of Public Health

The paper presents a detailed analysis of the recent changes to Articles 228 – 234 of the Criminal Code, including the examples of their practical implementation. In the course of the conducted research the author has called into question the expediency of expanding the range of kinds of drug crime items, and methods used to form the lists of drug crime related substances, which has led to the decriminalization of a number of socially dangerous acts with the use of these substances. The article also reveals the content of blanket characteristics of the criminal law norms on the drug-related crimes, and relevant detailing provisions of the Federal Law entitled "On Narcotic Drugs and Psychotropic Substances" and Russian government directives, that has resulted in gaps in the criminal law's regulation of public health security in the area of circulation of precursors of narcotic drugs and psychotropic substances.

Keywords: narcotic drugs and psychotropic substances, precursors, drug analogs and analogs of psychotropic substances, Russian State Anti-Drug Policy Strategy until 2020, plants containing narcotic drugs or psychotropic substances or their precursors, narcotic plants, narcogenic, drug crimes, drug articles.

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Changes to the Criminal Code of the Russian Federation and Practice of Their Application

In the past several years the Criminal Code of the Russian Federation has gone through considerable transformations. Changes are regularly made to it. The article considers two Federal Laws adopted in 2011, which are: FZ № 97 of May 4, 2011 and FZ № 26 of March 7, 2011. The first law has changed the sanction of articles providing responsibility for giving and receiving a bribe. Now their sanctions along with the basic punishments contain additional obligatory punishment in the form of a fine several times the size of the bribe accepted. The second one is the law having a retroactive effect as it abolishes lower limits of basic punishments in quite a number of articles. The author makes an effort to analyze what complexities can arise from the practical implementation of the first law and what the current situation is with regard to the application of provisions of the second one of the laws in question.

Keywords: retroactive effect of criminal law; law commuting punishment; fine as additional punishment; size of a fine several times the size of the bribe.

CRIMINAL PROCEDURE

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Problematic Questions of the Determination of Essence, Conception and Elements of the Proof Process in Criminal Cases

The article deals with the problematic questions of Russian criminal procedure science related to the determination of essence, conception and elements of the proof process in criminal cases. On the basis of analysis of different views between the criminal procedure

scientists, the author of the article came to some interesting conclusions on the concept and essence of proof, and also on the structure of the proof process in criminal cases. In particular, it is necessary to consider the structure of the proof process in criminal cases as a definite system of activity of the bodies dealing with criminal procedure. The structural elements of the proof process are always interrelated, and they are available at all stages of the proceedings of a criminal case. Therefore, by the moment evidence is received, the bodies conducting the proceedings already perform its verification and evaluation.

Keywords: criminal procedure law, evidence, proof, collection of evidence, verification of evidence, evaluation of evidence, substantiation of conclusions on criminal case, elements of proof process.

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From Reconciliation of Parties to Mediation in Criminal Legal Proceedings in Russia

The article is dedicated to the evolution of the legal institution of conciliation in the criminal legal proceedings in Russia. The author offers to complete it by adding mediation. Also, the attention is drawn to that the conciliation has not been used effectively and has a number of weaknesses that could be overcome by mediation.

Keywords: criminal legal proceedings, reconciliation of parties, mediation.

CRIMINALISTICS

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Criminalistic polygraphology: myth or reality?

The necessity to use recent advances in science and technology in the fight against criminality is evident. However, those who have been debating on "polygraph problem" at present, as well as decades ago, still hold completely opposite views, as referred to in publications of the "New Lawyer's Newspaper" for 2011 (published by the Federal Chamber of Lawyers of the Russian Federation). In the author's opinion, the situation is being destabilized partly due to the attempts of certain supporters of polygraph application to attach to its use, without due substantiation, much larger scale than it really deserves. Due to the limited scope of the article format, the author sets forth her position in such a way that the readers if desired could refer to the original sources, so as to make their own opinion in regard to the issue in the title of the article.

Keywords: polygraph; psychophysiological reactions; ideal traces; image; engram; criminalistic technique; criminalistic polygraphology.

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Correlation between Forensic Authorship Identification and Forensic Phonetic Expertise

The oral speech in the form of audio recording can be investigated with application of Forensic Authorship Identification method. While the Forensic Phonetic Expertise is aimed mainly on studying the phonetic aspects of oral speech and identification of the speaker by analysis of «vocal traces» resulted from his speaking behavior, the Forensic Authorship Identification examination of an oral speech recording is aimed to define the author of the oral speech on the basis of his language-related and intellectual features. Thus phonetic characteristics of oral speech, in particular intonation, accent, stress, tone, also can be used, being individual means of expression of author's thoughts, for his identification and estimated in aggregation with linguistic features of the author.

Keywords: criminalistics, criminalistic research, forensic phonetic expertise, forensic authorship identification, oral speech, written speech, written text, author, phonological (phonetic) aspects, linguistic and intellectual characteristics of human voice.

Iskender M. Nurbekov

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[Criminalistic Aspects of Cooperation with Foreign Competent Agencies during Investigation of Transnational Crimes](#)

Cooperation with foreign competent agencies is one of the most difficult aspects of investigator's work. Such cooperation has several peculiarities driven by mechanism of transnational crime, legal, organizational, cultural and other differences between the countries in the world of free movement of people, goods and information. In addition to exchange of letters rogatory this cooperation requires exploitation of international joint investigation teams, liaison officers, video conference tools and special tactical operations.

Keywords: criminalistics, international judicial cooperation in criminal proceedings, mutual legal assistance in criminal cases, transnational crime, investigation tactics, prevention of investigation, international joint investigation team, video conference, liaison officer, central authority, Eurojust, the European Judicial Network.

LAW ENFORCEMENT AUTHORITIES

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[The International Criminal Police Organization – INTERPOL and Tendency of Creating Regional Law-Enforcement Cooperation Bodies](#)

The article deals with the legal basis and main areas of Interpol's activity in modern circumstances. It shows that Interpol is a global police informational network. Its aims and goals are mainly achieved by informational support of international investigation and criminal records, and also informational support of combating certain crimes. Nevertheless, modern criminal tendencies and their international constituent require not only information, but also joint actions to prevent and solve crimes. That is the reason for creating regional law enforcement cooperation bodies, such as Europol, Eurojust and the Police Community of America «AMERIPOL».

Keywords: international police cooperation, International Criminal Police Organization – INTERPOL, international cooperation in combating crimes, international law enforcement institutions, Europol, Eurojust, Police Community of America «AMERIPOL», regional law enforcement cooperation bodies.

COMPARATIVE JURISPRUDENCE

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[On the Concept of Crimes against International Legal Order \(comparative legal research\)](#)

The article, based on a comparative study of modern criminal law systems and international law, raises the question of the formation of the scientific category of "crimes against international legal order." The proposed category should cover international crimes and crimes of international concern, since those both have common generic object (target) – the international legal order. The author examines in detail the various models of implementation of international criminal law into national criminal legislation, setting out to identify common trends in the development of criminal law in this area.

Keywords: international legal order, international criminal law, comparative criminal law, foreign criminal law, international crimes, crimes against international law, crimes against humanity, genocide, aggression, war crimes.

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[Legal Regulation of Castration of Sex Offenders in the Czech Republic and in Poland](#)

The article analyzes the legal basis for carrying out surgical and chemical castrations in the Czech Republic and in Poland, the stance of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment, and that of the governments of those states on the application of this medical measure.

Keywords: comparative jurisprudence, criminal law, surgical castration, chemical castration, sex offenses, Czech Republic, Poland, CPT.

Margarita N. Urda

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Means of Criminal Law for the Struggle against Illegal Entrepreneurship According to Legislations of Foreign Countries

In this article, the author considers the questions about the regulation of criminal responsibility for conducting entrepreneurship activity in violation of the established rules of state registration and licensing in criminal legislations of foreign countries.

Keywords: criminal legislations of foreign countries, procedure of state registration, licensing, comparative analysis.

INTERNATIONAL CRIMINAL LAW AND JUSTICE
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Aleksei G. Kibalnik

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Development of the Definition of Aggression in International Law

This article is devoted to the analysis of the development of the definition of aggression as crime against international peace. The main attention is paid to acts of international law which have been adopted after world wars. The conclusion has been made that the definition of aggression in Russian criminal legislature is specific.

Keywords: international law, crimes against international peace, crime of aggression, world wars, Russian criminal legislation.

Yuliya V. Luneva

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The Second Hague Peace Conference in the Context of the Formation of International Humanitarian Law

Modern international criminal law, international criminal justice and international humanitarian law have been «late children» of international law system. Among the pioneers of their formation was Russia. One of the major events connected with this was the Second Hague Peace Conference of 1907, which took place in the Hague from 15 June till 18 October. There were 232 delegates from 44 states present. At the Conference 13 conventions and the Declaration on Prohibiting Launching of Projectiles and Explosives from Balloons were adopted, various issues related to international law were discussed, a court of arbitration was created, however the issue regarding the restriction of increasing rate of weapons acquisition could not be resolved. This paper is based on unpublished archived documents, which reveal unknown aspects of the Conference preparation and execution.

Keywords: International Criminal Law, International Humanitarian Law, international criminal justice, Hague, international peace conferences, Hague Conventions, Declarations, laws of war and war crimes, Court of Arbitration, commissions, the international conflicts.

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Cooperation between the European Union and Russia in the Field of Criminal Justice

Today's unprecedented expansion of the European Union leads to many changes in strategy and tactics of this organization. One of the key spheres, in which the expanded Union meets new challenge, is external affairs, in particular, with the nearest eastern neighbors of EU – Russia, Ukraine, Belorussia and Moldova. 'Expansion', apart from everything else, means geographic imminence of EU to the above-mentioned states. Simultaneously with this fact,

Russia together with European Union composes united 'criminal zone'. In this respect, integration of Russia into the European Union presupposes integrating efforts, to which the article is devoted, in the field of criminal justice at the general European level.

Keywords: international cooperation in combating crime, integration, criminal justice, European Union, European Police Office (Europol), Eurojust, European Anti-Fraud Office (OLAF), European Arrest Warrant.

Mikhail L. Ioffe

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Legal Aspects of the Criminal Prosecution of Great Patriotic War Veteran V.M. Kononov

The European Court of Human Rights (ECHR) plays an important role in the maintenance of human rights. Herewith, the decisions of the European Court are not always met with understanding and support from the Russian legal community, as it can find in some of them signs of politicization, prejudice and bias. On 17 May, 2010 the Grand Chamber of the ECHR delivered a sensational judgment in the case of Kononov v. Latvia, actually having agreed with the Latvian courts that Vasily Kononov – a Soviet Army soldier, commander of a partisan unit during the Second World War – was a war criminal. Disputable, often inconsistent legal arguments of the Grand Chamber set out in the Judgment, and questionable, if not prejudiced, interpretation of the norms of law have attracted wide public attention and caused fierce disputes in the legal community. However, in the case of Kononov a new judgment can be delivered, if the ECHR satisfies the request of Kononov's lawyers to review the case.

Keywords: European Court of Human Rights, ECHR Judgment of 17 May, 2010 in the case of Kononov v. Latvia, Charter of the Nuremberg International Military Tribunal, war crimes, civil population, combatants, international law principles, international humanitarian law.

CRIMINOLOGY

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The International Criminology: Object, Subject and Methods. «The Antiterrorist Substantiation».

The article substantiates the specificity and necessity to define as separate area within the science of criminology one of its actual spheres – the international criminology. It is shown that being based on the traditional scientific toolkit, being created with taking into account requirements of national criminal law, the criminology happened to not be able to fully cover by its research the global factors resulting in criminogenity in the international interactions. The key source for the stated scientific argumentation system is the potential of studies, having an international legal antiterrorist orientation, which, reflecting special asymmetric public relations with their urgency, indicates a high degree of criminalization of the international environment. Provisions about an object, subject and methods of the international criminology are stated on the basis of terrorism research example.

Keywords: criminology, terrorism, international criminology, object of science, subject of science, research methods.

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Concept, Characteristics and Essence of Extremism

The article systematizes opinions existing in legal literature regarding the definition of the concept of extremism. It analyzes the methodological tools used in the process of creating theoretical model of this phenomenon. The necessity of using institutional theoretical-

deductive method as basis in researching extremism is revealed. The author`s strategy is offered to identify the nature of extremism via philosophical theory of social identity. The main features of extremism as of negative social phenomenon are revealed. Reasons are given for the necessity of modern legislative approach to define legal category of extremism as a list of actions forbidden by law.

Keywords: extremism; characteristics of extremism; essence of extremism; motives of extremism; social, racial, national, or religious discord; basic resources for the study of extremism; identity; levels of identification (identity); ethnos, nation.

Timur R. Korotkiy

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Criminological Analysis of Contemporary Piracy

The article examines the problems of recognition international criminology as an independent area of scientific research in the context of criminological analysis of the causes and ways to counter piracy in the Somali region. It also studies the types and forms of contemporary piracy, the social and political causes of piracy in Somali region, and explores the effectiveness of ways to combat piracy.

Keywords: criminology, international criminology, international criminal law, international cooperation, combating piracy, socio-political reasons for piracy, Somalia.

Anna A. Lebedeva

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Corporate Raid: Dependence on Corruption

The article considers corruption as a basic element of illegal repartition of property in Russia. It is medium and small businesses that at present suffer most from corporate raid, as well as from corruption. The influence of corporate raid on corruption level in a certain region or in the state as a whole has not yet been completely estimated; however corporate raid represents a negative factor for social and economic development of the state, accumulating the growth of corruption schemes to new maximum indices.

Keywords: criminology, criminal repartition of property, corporate raid, interrelation, official.

Aleksandr M. Smirnov

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Prevention of Crime and Criminal Discriminatory Practices against Persons with Sexual Inversions in Russia: Formulating the Problem

The paper describes the relevance and practical significance for modern Russia of the development of a mechanism for the prevention of criminal behavior and criminal discriminatory practices against persons with sexual inversions. The given thesis is based on the fundamental principles of international and national law, the current policy of Russia to build a law-governed state ensuring civilized approaches to the solving of social problems, the necessity to take all possible measures to bring down the crime rate, discrimination and violence in the country, in order to increase it's prestige in the world political arena. It is also underlined that this type of crime is new for Russia. In this connection, the problems of how to counteract it, mainly related to ambiguity of attitude among the heterosexual majority to the given category of citizens, are revealed.

Keywords: crime prevention, prevention of criminal discriminatory practices, sexual inversion.

CRIMINAL EXECUTIONAL LAW

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[«Behavior over the period of serving the punishment » as criteria for evaluation of the degree of rehabilitation achieved for convicts sentenced to imprisonment](#)

The article deals with the analysis of the behavior of convicts over the period of serving the punishment, as being criteria for evaluation of the degree of rehabilitation achieved for convicts sentenced to imprisonment. The article considers the legislative and law enforcement problems, arising from the implementation of the current legislation provisions, regulating the order of the evaluation of convict behavior during serving the punishment.

Keywords: rehabilitation of convicts; convicts' behaviour; early release on parole; administrative supervision.

LEGAL SCIENCE METHODOLOGY

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[The Methodology of Comparative Criminal Law](#)

The article states the basics of the methodology of comparative criminal law. The basic methods of comparative law research are described: macro and micro comparison, normative and functional comparison. The article also contains recommendations on comparative studying of different institutions of criminal law.

Keywords: methodology of law, comparative law method, comparative criminal law.

JUDICIAL STATISTICS

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[Judgments of the European Court of Human Rights on Cases against the Russian Federation: Statistical Survey \(2002 to 01.06.2011\)](#)

The research represents the analysis of all the judgments of the European Court of Human Rights against the Russian Federation delivered from 2002 till 1 June 2011. Collecting all the data allows to evolve tendencies of case law development of the European Court of Human Rights against Russia. All the judgments of the European Court of Human Rights are presented in table in chronological order with specification of case category, subject of violation (with indication of violated articles of the Convention and Protocols to it), with calculation of sums awarded by judgments of the European Court of Human Rights.

Keywords: judgments of the European Court of Human Rights; European Convention on Human Rights, 1950; European Court of Human Rights.

DOCUMENTS

[The Constitution of the international criminal police organization of Interpol](#)

[Regulations concerning the National Central Bureaus](#)

[The Statute of the American Police Community of Ameripol](#)

ANNIVERSARIES

[Jubilee of Professor Aleksandr Borisovich Solovjev](#)

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