

HERE IS AN OPINION

Aleksandr S. Alexandrov

Doctor of Law, Professor in the Department of Criminal Procedure at the Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia.

Irina A. Alexandrova

PhD in Law, Associate Professor, Doctoral Candidate at the Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia.

The New Criminal Policy in Combating Economic and Tax Crime: Some Questions.

The article analyzes the modern criminal policy. A comparative legal analysis of the Russian and foreign criminal legislation related to fraud is carried out. Criticism is given of the recent changes in the legislation that have formed an institution of class, business criminal law and procedure. It is concluded that further steps in this direction are inadmissible, as there is a threat of the law enforcement system collapsing. As the way out, a systemic reform of the criminal law and criminal procedure law is suggested.

Keywords: criticism of criminal policy; fraud; collapse of law enforcement system; crime in business sector; reform of criminal procedure; reform of criminal law.

Aleksandr I. Boiko

Doctor of Law, Professor, Head of the Department of Criminal Law Disciplines at the North-Caucasus Academy of Public Administration.

Preconditions of the Systematization of Criminal Legislation.

As a result of endless amendments, the current RF Criminal Code has lost its property of being a consistent act that would be applied easily and without error. On this negative basis, there is a debate being held in the branch science on whether a completely new Criminal Code or merely a new version of it is needed. The article says that any attempt to put things in order in law-making will become fruitful if it is based on a set of preconditions, or requirements. These are put forward and justified by the author.

Keywords: criminal law; parliament; amendments; science; new version; criminalization; experts.

Gennady A. Esakov

Doctor of Law, Professor, Head of the Department of Criminal Law at the National Research University Higher School of Economics.

From Administrative Offences to Criminal Violations, or on the Existence of Criminal Law in a “Broad” Meaning.

The article is concerned with the questions of the differentiation between administrative offences and crimes. Based on the analysis of the history of the issue, the substantive features of administrative offences and specifics of the prosecution mechanism, the author argues that this category of offences should fall within the scope of criminal law, formulating the concept of criminal law in a “broad” meaning.

Keywords: crime; violation; administrative offence; criminal liability; criminal law.

CRIMINAL LAW

Vladimir K. Andrianov

PhD student in the Department of Criminal Law at the Russian Academy of Justice.

The System of Legal Facts in Russian Criminal Law and the Main Tendencies of Its Development in Modern Conditions.

The article presents the findings of the research into main tendencies of the development of the system of legal facts in Russian criminal law. Based on the comparative analysis of Soviet and Russian criminal legislations in terms of the recognition of legal facts, the author identifies the most common and

sustained trends in the development of the system of legal facts in criminal law under modern conditions.

Keywords: theory of criminal law; mechanism of criminal law regulation; criminal legal relations; legal facts.

Aleksandra M. Kislitsina

PhD student in the Department of Criminal Law at the Russian Academy of Justice, Senior Lecturer in the Department of Humanities and Legal Disciplines at the Russian State Trade and Economic University (Ivanovo branch).

Imposition of Punishment for Crimes Violating the Rules of Economic Activity: Status and Prospects.

The purpose of the article is to determine the equivalence of sentences imposed for crimes relating to violation of the rules of legal economic activity, to the aims of restoration of social justice, reformation of convicts, and prevention of the commission by them of new crimes. The author offers a model for the imposition of punishment for violating the rules of legal economic activity.

Keywords: imposition of punishment; legal economic activity; reformation of convicts; social justice; prevention of the commission of crimes.

Nodar Sh. Kozaev

PhD in Law, Associate Professor in the Department of Criminal Law at the North-Ossetian State University after K.L. Khetagurov (Vladikavkaz).

Functionality of the Russian Federation Criminal Law in the Assessment of Activity on Creation and Use of the Results of Scientific and Technological Progress.

The functionality of criminal law reflects static and dynamic components of legal response to the changing environment of the legal field, and provides an opportunity to assess the flexibility and effectiveness of law-making and enforcement mechanisms. Scientific and technological progress and its advances serve as a system of social relations that contribute to the emergence and development of legal framework, including the criminal law field. With this in mind, the article discusses the concept of the functionality of criminal law as one of its characteristics, and based on the theoretical analysis of this phenomenon, a method is proposed for determining the functionality of criminal law in response to changes in social relations with the consideration of the scientific and technological progress.

The author concludes that the most common form of criminal law response to the innovation process, as demonstrated by a retrospective analysis, is the criminalization of acts posing a danger to public. Socially dangerous behavior of people in the field of development and use of products of scientific and technological progress is to get above all a sound criminal law assessment, based on criminology. However, to date no clear and precise system is available for the criminal law assessment of creation and use of innovations, and there is some spontaneity and segmentation in the reaction of criminal law to their creation and use. It is justified that the methodology of determining the functionality of the Russian Federation criminal law under the scientific and technological progress represents the key actions for the evaluation of the techniques aimed at the improvement of the control over the technological development by means of criminal law.

Keywords: scientific and technological progress; functions; functionality; criminal law.

Natalia A. Lopashenko

Doctor of Law, Honorary Worker of the Ministry of Education of the Russian Federation, Professor in the Saratov State Law Academy, Director of the Saratov Centre for Organized Crime and Corruption Problems Research.

Criminal Punishment for Murder under the RF Criminal Code and Its Practical Implementation: Problems of Fairness.

The paper presents the analysis of criminal punishments provided for all types of murder under the RF Criminal Code (Articles 105 to 108), in terms of fairness, and taking into account various parameters, as well as the analysis of practical penalization (application of such punishments to specific criminal cases) from the same perspectives. Structurally, the article has four sections, dealing respectively with the analysis of sanctions provided for an ordinary, aggravated and privileged murder; the comparative analysis of punishment for murder, on the one hand, and other types of offences close to murder in action or consequences, on the other hand; the analysis of 50 sentences for 53 murders, in terms of fairness of the punishment (practical penalization); and the final conclusions of the article. The author

concludes that the punishment for murder suffers from drawbacks in all three aspects listed above (based on the whole system of punishment for all homicides, taking into account the consistency of sanctions with other types of murder, and drawing attention to the shortcomings in practical application of sanctions), which leads to a failure to reach the purposes of justice when responding to murder. The author suggests certain steps to improve the situation.

Keywords: murder; punishment for murder; fairness of punishment; sanction; practical penalization and its fairness.

Svetlana N. Pomnina

PhD in Law, Associate Professor in the Department of Criminal Law, Criminalistics and Criminology at the Ogarev Mordovian State University.

Medical Secrecy as an Object of Legal Protection.

The article deals with some issues of legal regulation and protection of confidential information constituting a medical secrecy. The paper examines the history of emergence and evolution of the concept of “medical secrecy”. The content of the given version of confidential information and possible forms of responsibility for its disclosure are in detail analyzed. The specific features of persons involved in medical secrecy are identified, and in this regard, the conclusion about the possibility of reference of such data not only to professional, but also to office secrecy is drawn. Grounds for disclosure of medical secrecy, formulated by legislators are outlined. The author justifies concrete proposals on improvement of the current criminal legislation in providing an appropriate mechanism of protection of confidential information of the given type.

Keywords: medical secrecy; confidential information; doctor; patient; responsibility.

Irina D. Ryzhkova

PhD in Law, Associate Professor in the Department of Civil Law and Civil Procedure at the Russian Presidential Academy of National Economy and Public Administration (Lipetsk branch).

On the Issue of “Labour Fraud”.

Recently acts became common that may be called “labor fraud” for convenience. Their essence is that dishonest employers, knowing that it is impossible to make them criminally liable, practice exploitation of individuals’ labour to appropriate the results of their work through deception and breach of trust. In judicial practice, cases are found more and more often, when a worker is compelled to prove the fact of his working for the employer. The article considers some problematic aspects of proving the fact of employee’s work for the employer with no written contract of employment that gives the employer an opportunity to withhold payment for the work done by the employee. The author concluded that such infringement of labor rights of citizens represents an increased public danger, as long as it contains violation of the norms of international legal documents ratified by the Russian Federation, the Constitution of the Russian Federation and the Labour Code of the Russian Federation, and concerns the violation of one of the fundamental human rights – the right for labour. Taking the above into consideration, the author justifies the need to criminalize the acts in question, and offers his wording of the corresponding draft article to be included in the Criminal Code.

Keywords: labor fraud; right to be rewarded for work; recruitment to work through deception and breach of trust; labor relations; fact of working for the employer.

CRIMINAL PROCEDURE

Igor E. Adamenko

PhD in Law, Associate Professor, Deputy Chief of the Krasnodar University of the Ministry of Internal Affairs of Russia.

Igor A. Zinchenko

PhD in Law, Associate Professor in the Department of Law Sciences at the Kaliningrad branch of the International University in Moscow.

Evidence and Sources of Evidence in Criminal Process.

The list of sources of evidential information in criminal proceedings should be exhaustive and, above all, universal, and allow to determine the legal and procedural nature of any information carrier or conclude that this or that object does not have signs of a source of evidence. However, in the RF Criminal Procedure Code there are no formulations specifying those sources. Though it is quite important for the

law enforcement practitioners, as well as for the majority of academic researchers in the field of criminalistics, legal psychology, forensic medicine, legal informatics and some other branches of knowledge, what objects and in what form are identified, recorded, investigated and evaluated – whether those are carriers of evidential information or information itself which they establish. In this regard, the article explores the legal and procedural nature of sources of evidence in criminal proceedings. The main points of view stated in modern domestic literature are analyzed. The author's vision of this problem is provided. It is suggested that changes should be made to the normative definition of the concept of sources of evidence.

Keywords: law of evidence; evidence; source of evidence.

Elena L. Kombarova

PhD in Law, Senior Lecturer in the Department of Criminal Procedure at the Central branch of Russian Academy of Justice (Voronezh).

The Objectives of Magistrates' Court in Criminal Proceedings.

The article is devoted to analysis of the tasks facing magistrates' courts in criminal proceedings. Aims, objectives and functions of the institution of justices of the peace should be determined in the first place on the basis of the nature of their activities in the implementation of criminal, civil, or administrative proceedings. There is no doubt that the essential features of judicial activities in the above areas of judicial proceedings give rise to ambiguity of goals, objectives and functions of magistrates' courts. The tasks of justices of the peace can be divided into general tasks – typical to the courts at all levels of judicial system: security and protection of the rights and legitimate interests of citizens, organizations, local governments, federal authorities; and specific objectives: increasing the efficiency of resolving criminal cases, the settlement of disputes through the active use of conciliation procedures. The need to secure the tasks of magistrates' justice in sectoral legislation is justified. Such an approach will enable taking into account as fully as possible the specificity of diverse activities of justice of the peace. In order to define specific tasks correlated with the norms of procedural law, a set of rules is required to be developed in detail and set forth in the RF Code of Criminal Procedure to allow for the implementation of specific tasks, while such set of rules is missing so far in the current procedural law. In view of this conclusion, the author has proposed changes to the RF Code of Criminal Procedure facilitating realization of the tasks facing magistrates' courts.

Keywords: magistrates' court; tasks; reconciliation of the parties; efficiency; conciliation procedure; justices of the peace; protection of citizens' rights.

Julia V. Kuvaldina

PhD in Law, Assistant in the Department of Criminal Law and Criminalistics at the Samara State University.

Compromise in Criminal Process as a Way to Resolve Criminal Conflicts.

The study attempted to justify the compromise nature of procedural decisions and proceedings provided for in Articles 25, 28, 28.1, and 40.1, and Chapters 40 and 41 of the RF Code of Criminal Procedure. According to the author, a compromise proceeding is a differentiated procedural form of investigation or consideration of criminal cases, in which a criminal conflict is resolved through reciprocal concessions of the parties, which leads to changes in the structure and content of criminal proceedings. With consideration of the above, signs of compromise nature of procedural decisions are identified, grounds and conditions for their use are defined, and shortcomings in the regulatory framework are revealed. A compromise is based on a dispositive power of the victim and the accused, in cases provided by law, to influence the development of legal relations in criminal process, and choose the way of proceeding in which to settle the dispute. The application of a compromise procedure needs approval by the parties. Herewith, the only procedural basis for the application of any compromise constructions should be the will of the accused. In all compromise constructions, the occurrence of consequences in the form of case dismissal or mitigation of punishment is conditioned by good behavior of the accused after committing criminal offence. The author shows that in modern science of criminal procedure no unified approach has so far been worked out to address the issues related to the essence of compromise proceedings, grounds and conditions for their implementation. This implies a continuation of the efforts for the mutual harmonization of the rules of the Russian Criminal Code and Code of Criminal Procedure, governing these procedures, and improving them in a way to meet as much as possible the interests of all participants in criminal conflict.

Keywords: compromise proceeding; reconciliation; active repentance; special proceeding; agreement.

Olga V. Levchenko

Doctor of Law, Associate Professor, Head of the Department of Criminalistics and Informatization of Legal Activities at the Orenburg State University.

Olga V. Guzhva

PhD student in the Department of Criminalistics and Informatization of Legal Activities at the Orenburg State University.

A Theoretical Understanding of the Place of the Institution of Sentence Execution in Criminal Proceedings in Russia.

The views of forensic scientists as to the place of the institution of sentence execution in criminal justice process have been changing in the course of formation of the Russian legislation. Despite the extensive development of scientific research in the field of criminal process, no agreement has been reached so far in the theory of criminal procedure as regards to a unified understanding of the essence of the institution of sentence execution, its place, role, and purpose within criminal procedure relations. When conducting the research, the authors concluded that the execution of a sentence is the final stage of criminal proceedings, including a range of procedural actions to put the judgment passed to execution, as well as to address issues that arise after its entry into force, which originates at putting the sentence to execution and ends individually in each criminal case, depending on questions that require judicial solution.

Keywords: execution of a sentence; stage of criminal proceedings; putting a sentence to execution; criminal procedural activities; procedural solutions; review and resolution of issues related to the execution of a sentence.

Irina P. Popova

PhD Candidate in Law at the Baikal State University of Economics and Law, Head of the Ust-Ilimsk City Court of Irkutsk Region.

Judgment of Guilty without Imposing a Punishment in Russian Criminal Trial.

The article deals with the questions of procedure, grounds, and legal consequences of rendering a final judgment of guilty without imposing a punishment. The analysis of different points of view concerning the grounds for passing this kind of sentence is given. The author concluded that the judgment of guilty with no punishment imposed does not entail such legal consequences as prior conviction record for the convicted person.

Keywords: Criminal Procedure Code; judgment of guilty; criminal trial.

CRIMINOLOGY

Dmitry Yu. Altufyev

Police Colonel, Astrakhan Region Directorate of the Ministry of Internal Affairs of Russia.

Xenophobia as a Growth Factor for the Extremism of Russian Nationalists.

The article says that ethnic intolerance, which was growing in the last years of the USSR period, resulted in numerous ethnic conflicts in 1991-1995. Their participants were Russian ethnic minorities. In late 1990s the main subjects of Russian ethno-political activities have changed. This place has been taken by Russian nationalist organizations. The author notes that ethnic xenophobia (intolerance to "alien" nations) is one of the main growth factors for extremist crimes in modern Russia; this limits the opportunities for counteracting them because it is characterized by considerable internal inertia, has its own growth mechanism and could increase without an external propaganda influence. When the development of Russian nationalism was recognized as a threat to national stability, security authorities began to suppress nationalist movements through the organization of special anti-extremism agencies and widening repressions. As a result, some young people inclined towards protest ideology switched from directly fighting "aliens" to fighting the system, which in their eyes was positioned as "anti-national and occupational". The Russian "anti-immigrant" nationalism became the platform for an active development of radical protest movements of different hues: from the most criminalized ones (skinheads) to those functioning within legal boundaries. The prospect of using xenophobia as a political

platform for the organization of mass protest movement by the non-system opposition makes it vital that not only law enforcement bodies, but also civil society counteract nationalist extremism.

Keywords: extremism; nationalism; xenophobia.

Alexei V. Vinnikov

PhD in Technical Sciences, Director, Otkrytiy Mir” Ltd., Rostov.

Court Interpretation and Ethno-Criminality.

The article offers a definition of court interpretation as a complex function combining linguistic, procedural, and ethno-cultural components. The author gives recommendations regarding the choice of an interpreter for gypsy dialects, languages of some Northern Caucasus and CIS nations. Using the example of the South of Russia, the author reveals the dynamics of the criminality phenomenon for some ethnic groups and determines the role that migration processes play in them. He establishes the correlation between migration intensity – both external (cross-border) and internal (between national subjects of the Russian Federation) – and ethnic criminality. The author also shows the dependence of ethno-criminological situation on the geography and national-structural composition of a region’s population.

Keywords: frequency of requests for languages of court interpretation; ethnic criminality; local ethno-structure of criminality; migration; court interpretation; languages of ethno-criminality.

Lubov S. Golybnichaya

PhD in Law, Associate Professor in the Department of History and Law at the Amur State University of Humanities and Pedagogy.

Regional Characteristics of Juvenile Delinquency in the Far East of Russia.

The article presents an analysis of the quantitative and qualitative indicators related to the characteristics of juvenile delinquency in the Far East of Russia. Specific criminological features of the causal complex of juvenile delinquency in individual regions of the Far Eastern Federal District are revealed. The author identifies and describes specific socio-economic determinants that have a great influence on juvenile delinquency in the region.

Keywords: juvenile delinquency; Far Eastern Federal District; indicators of criminality; causal complex.

Gennadi I. Demin

Doctor of Philosophical Sciences, Honorary Professor, Professor in the Department of Management of Internal Affairs Agencies in Special Conditions at the Management Academy of the Ministry of the Interior of the Russian Federation.

Grigori I. Kibak

Lecturer in the Department of Management of Internal Affairs Agencies in Special Conditions at the Management Academy of the Ministry of the Interior of the Russian Federation.

Interethnic Conflicts as Objects of Counteraction by Internal Affairs Agencies.

The paper offers an overview of the factors that caused the emergence and development of interethnic tensions and conflicts leading to crimes of extremism. Initially, in 2003-2005, the extremist crime level was low and relatively stable, but during the next five years, we witnessed a steady growth of such crimes. The steepest “leap” in the number of registered crimes occurred in 2005–2006 when it grew by 73%, and the reduction in the number of crimes was not achieved until 2011. The authors define the causes and key stages of conflict situations. They analyze the role of internal affairs agencies in suppressing extremist crimes and the ways of improving their work on counteracting them. They emphasize that a close cooperation of the internal affairs agencies and Russian Interior Ministry troops with all the executive power authorities and state bodies, as well as civil society institutions and organizations, is a vital condition for the successful prevention and suppression of illegal activities of interethnic conflicts participants.

Keywords: internal affairs agencies; interethnic tensions and conflicts; extremist crimes.

Tatiana V. Kvasnikova

PhD student in the Department of Criminal Law and Criminology of the Far-Eastern State University Law School.

Women as Perpetrators of Real Estate Crimes.

Over the past 15 years, the number of crimes committed by women, in spite of decriminalization of some crimes, has been growing. The same tendency is observed in real estate crime. Criminological analysis of real estate fraud using a gender-based approach reveals role-related and psychological differences between males and females in committing real estate fraud offences. The main reason for female offending is the changing role of women in society, according to which they became more self-reliant and are often obliged to earn money to maintain their children. There are other factors that make women choose a criminal way in order to obtain means of subsistence, such as their lower social position, and political, economic, social, and moral instability in the state. The article justifies the conclusion that the effective prevention of real estate crimes requires further detailed study of personality of female offenders, and disclosure of negative factors making them choose criminal ways for enrichment.

Keywords: real estate crime; seizure of dwellings; real estate fraud; female offending.

Elena V. Kobzeva

PhD in Law, Associate Professor in the Department of Criminal and Penal Law at the Saratov State Law Academy.

Public Policy on Psychoactive Substances Abuse and Its Effect on the Development of Criminal Law in Russia.

The article states the existence of an independent course in public policy in the field of combating the use of psychoactive substances, the core of which are The Concept of the Implementation of Public Policy against Tobacco Consumption in 2010-2015; The Concept of Public Policy to Reduce the Abuse of Alcoholic Beverages and Alcohol Abuse Prevention among the Population of the Russian Federation for the Period up to 2020; and The Strategy of Public Drug Policy of the Russian Federation up to 2020; defines different ways to influence the dynamics of the Russian criminal legislation, which, in particular, may be related to the implementation of strategic provisions on the need for bans of an uncertain legal nature, on the need to introduce criminal responsibility for certain types of deviant behavior, or the need for a criminal law reform; identifies the amendments to the Criminal Code of the Russian Federation in connection with the application of the adopted official documents related to the given field of policy, and makes predictions about possible changes to criminal law in the future.

Keywords: public policy; combating tobacco, alcohol, and drug abuse; reform of criminal law.

Victor A. Shestak

PhD in Law, Associate Professor, Deputy Chief of Organizational Department's Press Service at the Main Military Prosecutor's Office.

Criminological and Legal Aspects of the Criminological Concept of Development of Crime Prevention System among Military Personnel.

In the article, the author puts forward the thesis that armed forces, on the basis of military law and order, have favourable conditions to prevent crime among military personnel, since they constitute a relatively independent closed community functioning on a single legal basis, have unified facilities and equipment, uniform manner of activities, a common goal, and are united by military discipline. Considering the above, there arise a social need and necessity for a complex research of the crime prevention system among military personnel by development of a criminological concept, the basic structural element of which might be the system of anti-criminogenic maintenance of military law and order.

Keywords: crime prevention; criminological characteristics; military law and order.

CRIMINALISTICS

Anatoly M. Bagmet

PhD in Law, Director of the Institute of Professional Development of the Investigative Committee of the Russian Federation.

The Peculiarities of Determining the Subject of Proof When Investigating Mass Riots.

The article discusses the specifics of the determination of the subject of proof in cases of mass riots, when the investigation faces in every criminal case three groups (systems) of circumstances requiring to be proven. The structure and composition of those groups of circumstances are set out, including circumstances confirming the fact of the occurrence of a mass riot (large-scale involvement, unlawful

activity of crowds), circumstances proving the conditions of the emergence of criminal responsibility for mass riots, and circumstances proving the features of each specific offence committed during the mass riots.

Keywords: mass riots; subject of proof; circumstances to be proven.

Artur V. Bytchkov

PhD in Law, Associate Professor, Chancellor of the Siberian Academy of Law, Economics and Management.

Forensic Techniques for Investigation of Corruption Crimes: The Basic Principles of Creation and Use.

Despite the fact that legal basis for counteraction of corruption in Russia had been established, and the fight against it becomes more and more active, forensic science has not been providing law enforcers to proper extent with appropriate investigation techniques. One of the reasons for the current situation is that the principles of formation and use of those techniques have not been sufficiently developed. The author of the article proposes three of such principles, and justifies the need of their introduction into practice.

Keywords: forensic techniques; corruption crimes; investigation principles; operational search activity; aggregate of crimes; seriality; counteraction overcoming.

Rustam Z. Emaletdinov

Lecturer in the Department of Criminal Law at the Kurgan Border Control Institute of the Federal Security Service of the Russian Federation.

Modern Approaches to the Definition of the Structure of Forensic Characteristics of the Illegal Crossing of the Russian Federation State Border.

The article discusses modern approaches to the definition of the structure of forensic characteristics of the illegal crossing of the Russian Federation state border. Data regarding the essence, value and contents of forensic characteristics of the illegal crossing of the RF border, developed in the recent years by a wide range of domestic researchers, are provided. A provision is justified about what should be understood as forensic characteristics of this type of offences, is an aggregate, based on studying of criminal and investigative practices, of interrelevant typical features (elements) significant to forensic science and facilitating fast and effective identification, disclosure, and prevention of similar offences. It is also justified that not all features of the offence have forensic value and can promote identification, prevention and disclosure of the illegal crossing of the RF border. The author adduces a system of elements within the structure of forensic characteristics of the illegal crossing of the RF border, which should include the following: typical personal characteristics of offenders; their aims and motives; the most common ways of preparation, commission and crime concealment; typical environment (conditions) of crime commission; typical traces as crime consequences.

Keywords: illegal crossing of the Russian Federation state border; forensic characteristics; typical personal characteristics of offenders, their aims and motives; most common ways of preparation, commission and crime concealment; typical environment (conditions) of crime commission; typical traces as crime consequences.

Sergey L. Kislenko

PhD in Law, Associate Professor in the Department of Forensic Science Methodology at the Saratov State Law Academy.

Adequate Interpretation of Forensic Science Objects: A Pressing Task of Scientific Research.

The article is devoted to the current state of forensic science object. Justification of the methodological value of adequate reflection of the philosophical category of «object of science» in forensic science theory is given. Analyzing traditional concepts of object of science, as well as current trends of scientific researches in this field, the author presents his vision of this element in modern forensic science.

Keywords: object of science; methodology; subject of knowledge of forensic science; forensic science theory; criminal prosecution.

Larisa P. Klimovich

Doctor of Law, Professor in the Department of Criminalistics at the Siberian Law Institute of the Federal Drug Control Service of the Russian Federation.

Oleg A. Surov

PhD in Law, Associate Professor in the Department of Criminalistics at the Siberian Law Institute of the Federal Drug Control Service of the Russian Federation.

Proof of Mental Element of Money Laundering or Legalization of Other Property Derived from Drug Trafficking.

The article outlines the problems of proof of mental element in money laundering or legalization of other property derived from drug trafficking, and suggests algorithms of investigator's actions aimed to establish mental element of a crime.

Keywords: mental element of legalization; drug trafficking; problems of proof; algorithms of actions.

Anna A. Lebedeva

PhD in Law, Research Fellow at the All-Russian Scientific Research Institute of the Ministry of Internal Affairs of the Russian Federation.

Key Points of the Investigation of Socially Dangerous Acts Classified under Article 170 of the Russian Federation Criminal Code.

Due to the lack of methods at present for investigation of crimes in the area of land turnover, there is a significant increase in land offenses of economic nature. Studying of crime in the field of land relations, taking into account economic and corruption character gets a big urgency and practical importance. The specificity of the land crimes committed is that most encroachments are related to mercenary-motivated, economic, environmental, and organized crime at the same time. In this regard, for the determination of areas and methods of investigation and, respectively, correct criminal and legal classification of deeds at the verification of versions, there can be useful certain schemes (algorithm of tasks and actions) for the implementation of evidentiary knowledge of circumstances of such crimes. The composition of such schemes include: (1) determination of a standard model for the checked activity about by what current laws and by-laws the activity under investigation should be regulated; (2) clarification of the actual model of investigated activity on the basis of the data received from participants in the activity and other persons involved in it, and also the data containing in the documents of the enterprise (organization, establishment) and other available material sources of information; (3) implementation of comparative analysis of signs for both models with a view of determination their similarity or distinction. In the article, based on the generalization of empirical data, the author has considered the initial investigatory situations and provided a list of necessary investigatory actions within such algorithms applicable to investigation of crimes in the field of land turnover.

Keywords: crimes in the field of land turnover; investigation, registration of illegal land transactions; circumstances to be proven; initial investigatory actions.

Natalya I. Malykhina

PhD in Law, Associate Professor in the Department of Forensic Science Methodology at the Saratov State Law Academy.

A Forensic Doctrine of Offender: Historical Aspects of Formation and Current Status.

The creation of the forensic doctrine of offender as a special forensic theory has gone through a long period of development. It was caused, first of all, by the formation of forensic science itself, and the formation and development of other sciences (psychology, psychiatry, anthropology and so forth) which methods of research were utilized to explore individual characteristics of a person. Taking this into account, the periodization of genesis of the forensic doctrine of offender, in Russia and abroad, is considered; a concise analysis of scientific studies at various historical stages is given. In general, pointing out the overall positive tendency in the development of scientific researches on the subject considered, the author concludes that the methodological (theoretical) section of the given doctrine requires further elaboration, and outlines certain topical issues, the decision of which would contribute to further development of the doctrine.

Keywords: offender; forensic doctrine; special forensic theory.

Rail A. Ramazanov

PhD student in the Department of Criminalistics at the Bashkir State University Law Institute.

On the Role of Control and Audit Bodies in the Detection and Investigation of Corruption Crimes.

Control and audit bodies play one of key roles in facilitating the detection and investigation of corruption crimes, by exercising control in the field of finance and budgets, management, use and

disposal of state and public property, and other corruption risk areas. The article describes the way the above-mentioned bodies conduct control actions, the results of which may be of considerable interest to forensic scientists and practitioners. Each control action involves three stages: preparatory, main, and final. At the preparatory stage, gathering the necessary material and preliminary remote study of the object and subject under inspection are carried out. At the main stage, inspection activities are performed directly at the business premises, and at the final stage of the inspection event, a report is compiled. According to the analysis of the mechanism underlying the above control actions, it can be concluded that it is based on an effective methodology that allows, with consideration of professional skills and expertise of control audit bodies' staff, to properly detect corruption crime events, and collect material which subsequently forms a basis of evidentiary base in criminal cases. This is what shows the appropriateness of using the means and methods, used by control and audit bodies in their activities, for the investigation of crimes of the given type.

Keywords: control and audit bodies; corruption crimes; control action; evidentiary base; detection; investigation.

Sergei V. Rastoropov

Doctor of Law, Professor in the Department of Law Disciplines of the Higher School of State Audit at the Lomonosov Moscow State University.

Legal Regulation of the Execution of Forensic Economic Expert Examination and Legal Assessment of Its Results.

The legal regulation of the execution of forensic economic expert examination is much less detailed, if compared to expert examinations of other kinds. Considerable difficulties are caused by the process of studying by forensic expert of documents filed in the case, provided to him by the investigator, as the legislation does not give precise instructions in this regard. Practice of ordering and execution of new kinds and types of forensic economic expert examinations shows that among significant issues are those of appropriate scientific justification of additional and repeated examinations. Considerable attention is demanded to ensuring assessment of the opinion of forensic economic expert examination. All these issues have not so far sufficient covering in scientific publications. In the article, system data on legal regulation of the execution of forensic economic expert examination and legal assessment of its results are provided, and recommendations on difficult aspects of this activity are given. It is justified that the most important component of legal regulation of forensic economic expert examination are not only order and conduct of it, and registering its results in the form of a written expert opinion, but also the procedure of assessment of its results as evidence in the case, and the use of it in the course of proving.

Keywords: forensic economic expert examination; legal regulation; order of an expert examination; assessment of expert opinion.

Inna V. Rumyantseva

PhD in Law, Associate Professor in the Department of Criminal Law Disciplines at the Kaliningrad Border Control Institute of the Federal Security Service of the Russian Federation.

Pavel A. Kholopov

Officer in the Kaliningrad Region Border Control Directorate of the Federal Security Service of the Russian Federation.

Forensic Diagnostics: Concept and Possibility of Application in the Modern Period.

The article deals with the problems of application of the basics of forensic diagnostics theory to investigating crimes. Individual points of view on forensic diagnostics are considered, its purpose is defined, the levels and types of forensic diagnostics and its elements are identified, and an algorithm to conduct it is suggested.

Keywords: forensic diagnostics; the purpose, levels and types of forensic diagnostics; elements and algorithm of forensic diagnostics.

Vladimir N. Terehovich

Doctor of Law, Associate Professor, Sworn Advocate at the Bar of Sworn Advocates of Latvia.

Elita V. Nimande

Doctor of Law, Associate Professor in the Department of Criminal Law Sciences of the Law Faculty at the University of Latvia.

The Essence of Object of Knowledge in Criminalistics.

The article critically analyzes different approaches to defining the object of knowledge in Criminalistics. In compliance with the foundations of modern natural science and criminal law enforcement, detailed definition and structure of the object of knowledge in Criminalistics is given.

Keywords: theory of Criminalistics; structure of knowledge in Criminalistics; object of knowledge.

Aslyam N. Khalikov

PhD in Law, Associate Professor in the Department of Criminalistics at the Bashkir State University Institute of Law.

Criminalistics Analysis Performed When Detecting Violent Official Crimes.

The current reform of the internal affairs agencies can hardly be represented as only a formal renaming of militia into police, as some authors would render it, especially those whose style is close to social and political journalism. Changes in management structure in the centre and regions, professional certifications, new requirements for the admission to service, a considerable increase of salary, continuous search of new forms and content of law enforcement activities – all these positively transform and modernize the work of today's police force. However, incidents continue to occur, similar to those happened in the "Dalniy" police station in Kazan along with analogous violent crimes committed by police officers in Saint-Petersburg, Saratov, Voronezh, and other cities. There were occasions when persons under investigation in criminal cases were subjected to cruel violence, as well as administrative detainees or even persons who had no relation at all to any unlawful events. In such conditions, fast detection of traces of crimes, procedural identification of elements of a crime, and securing traces both material and ideal (testimonies of victims, direct and indirect witnesses) would allow to quickly solve official crimes of the given category, and strengthen the legality of police activities. Meanwhile, the means and methods used by the law enforcement bodies in combating such official crimes are not always effective. The present complex research over forensic possibilities regarding the fight against such violent crimes is not sufficient, while what is needed are modern methodological developments that would optimize the activity of investigators in the given field. This article aims to fill some gaps in law.

Keywords: official crimes; criminalistics analysis; detection of crimes; violence within law enforcement bodies; traces of a crime.

Yuri V. Shlyapnikov

PhD in Law, Associate Professor in the Department of Criminal Law, Criminalistics and Criminology of the Law Faculty at the Ogarev Mordovia State University.

The Characteristics of the Forensic Model of Illegal Business.

Researching into a particular type of criminal activities is the basis for the formation of an appropriate technique of investigation. In this regard, it is obvious that each type (group) of crimes requires its own structure of forensic description. And the quantitative indicators of individual elements of forensic description are sufficient grounds for the formation of a model of the mechanism of commission of a certain type of crimes, and knowledge of their interrelations that acquire the meaning of standard versions. The article discusses the description of the forensic model of illegal business. It is in the model of the mechanism of illegal business there are such properties and the relationships between them that allow to structure the methodology of investigation of the given type of offences and to use it for the achievement of the purposes of investigation. The author seeks to test a hypothesis of a specific goal for studying the mechanism of illegal business. This is due to the fact that, first, any selected structural element in this mechanism can represent itself as a version. Second, if the selected elements logically interrelate with each other, so would the versions logically interrelate in the same way. Third, the formation and research of the mechanism of criminal activity also mean the creation of preconditions for the formation of a hierarchical system of standard versions. The hierarchical system of standard versions as the result of research of the mechanism of crime can be quite logically defined as a system of the circumstances that are subject to knowledge and proof. Special attention is given not only to theoretical issues, but also to the problems of raising the efficiency of investigation of illegal business and the significance of the forensic model of illegal business in achieving this.

Keywords: illegal business; model; characteristics; offence.

Anatoly K. Kiselev

Doctor of Law, Associate Professor, Head of the Department of History and State Law at the North-Caucasian Social Institute (Stavropol).

The European Police Culture as a Phenomenon of Social and Educational Policy of the Member States of the European Union.

The author gives a brief historical overview of the EU member states politics carried out for the police of those states in social and educational fields. The temporal scope of the study covers the last 60 years. It is justified, that the governing bodies of most European countries in the 70's and 80's of the last century managed to understand the new problems facing law enforcement agencies, and tried to reform their operations. Conceptual framework and management standards were revised, and police activities became more open to public control. In recent decades, the police authorities in the EU have been subject to permanent quality changes, the essence of which is the process of socialization of the police, which is public safety characterized by the distribution of responsibilities between public authorities, associations, businesses and citizens. Institutions of civil society are becoming increasingly important in the construction and operation of the police in the EU. Partnership with the community and citizens is the essence and content of the EU police activities today.

Greater importance was given to that the law enforcement agencies should reflect the society they serve. Because of this, the police began to involve more people of different cultures and became more gender balanced. Strategies are implemented to ensure that law enforcement agencies have improved the representation of groups present in the community. Conclusions are offered relating the perception of some of the positive features of the EU experience in this field for the reformation of the modern Russian police.

Keywords: European Union; police; social policy; law enforcement; professional education; academy; college; integration.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

Dmitry V. Gurin

Principle Specialist in Criminal Law Department at the Office of the Representative of the Russian Federation at the European Court of Human Rights, PhD student in the Department of Criminal Law at the Russian Academy of Justice.

Prisoners' Right To Vote: Issues of Harmonization of International Standards and National Sovereignty.

The case-law of the European Court of Human Rights concerning the prisoners' right to vote rises up a number of essential issues in the related fields of criminal, constitutional and international law. In the short term, the ECtHR will deliver its position concerning the provision of Article 32 (Section 3) of the Constitution of the Russian Federation. That is why the analyses of the current regulations at the national level and the search of solution of the existing situation appear to be of great importance.

Keywords: disfranchisement; criminal liability; punishment; European Court of Human Rights; Constitution of the Russian Federation.

Ekaterina A. Kopylova

Forth-year student of the International Law Faculty at the Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of Russian Federation.

The Territoriality of a State Executive Jurisdiction and Its Peculiarities with Respect to International Public Law.

The problem of the scope of a State executive jurisdiction belongs to the most ancient ones in international criminal law. Lawmakers have been interested in this question since the time of Pharaohs though that epoch required application of the idea of solidarity of legislative, executive and judicial jurisdictions over the facts that took place abroad but somehow violated national interests.

The question has not been resolved until now. However today's lawmaker while determining the scope of his jurisdiction is bound by the imperatives of international public law especially in cases when persons or building enjoying international immunity are involved.

The aim of the present article is to provide theoretical basis for the territoriality of national executive jurisdiction with respect to universally recognized principles of international law as well as to make an

analysis of exceptions to this rule. Although being justified by reasons of practicability, they never go beyond strict legal framework.

The author suggests that the conclusions she makes should be widely practiced, especially in the sphere of international cooperation in criminal matters.

Keywords: executive jurisdiction; extraterritoriality; sovereignty; international obligation; foreign representation; European Bank for Reconstruction and Development.

Sergey A. Ogurtsov

PhD in Law, Senior Lecturer in the Department of Criminal Law and Criminology at the Russian Law Academy of the Russian Federation Ministry of Justice.

15 Years since the Adoption of the CIS Convention on the Transfer of Mentally Disordered Persons for Compulsory Treatment: Results and Prospects of Improvement of the National Legislation.

The article looks at practical issues of the application of the CIS Convention on the Transfer of Mentally Disordered Persons for Compulsory Treatment. It identifies the grounds and terms of the transfer of such persons for compulsory treatment, highlights the imperfections of the Convention and the gaps in the national legislation with regard to practical application of the Convention, and suggests potential ways for improvements.

Keywords: compulsory medical treatment of mentally disordered persons; mental insanity; compulsory measures of medical nature; national legislation; grounds and terms of the transfer of mentally disordered persons for compulsory treatment.

COMPARATIVE JURISPRUDENCE

Pyotr A. Litvishko

Head of the Division of International Cooperation, Department of International Legal Cooperation of the Investigative Committee of the Russian Federation, Lieutenant-Colonel of Justice, PhD student in the Department of Criminal Law, Criminal Procedure and Criminalistics at the Moscow State Institute of International Relations (University) of the MFA of Russia.

Criminal Procedural Jurisdiction with Regard to Foreign Missions in the Code of Criminal Procedure of Ukraine of 2012: Useful Novelties and Obvious Contradictions to International Law.

The author analyzes provisions of the Ukrainian Code of Criminal Procedure of 2012 regarding the process of investigations into offenses committed on the compound of Ukrainian foreign missions, chief of mission's criminal procedural authority, in particular to carry out detentions, the procedure for conducting investigative actions with regard to persons enjoying international law immunity, as well as application of consular legal assistance in criminal matters. The author highlights certain advantages as well as material contradictions of the new code's respective norms to international law, and draws parallels between Ukrainian and Russian legislation.

Keywords: Code of Criminal Procedure of Ukraine of 2012; investigation of offenses; diplomatic missions; consular posts.

LEGAL SCIENCE METHODOLOGY

Denis S. Khizhniak

PhD in Law, Associate Professor in the Department of Forensic Science Methodology at the Saratov State Law Academy.

Forensic Science Methodology: Current State and Development Prospects.

Among science of science problems of forensic science, one of the most talked about at all levels of scientific research still remains the problem of its methodology. Nowadays forensic science is among dynamically developing sciences, which is due to the need for the development of new techniques, means and methods of detection and investigation of crimes under the conditions of criminality becoming more professional and organized.

Forensic science in terms of methodology is constantly evolving due to the emergence of new trends in the general philosophical, general scientific and common law and private law methodology, as well as the constant, ongoing methodological shifts – changing scientific paradigms. Prospects of modern forensic science methodology are objectively caused by a number of factors. Those factors include the changes in forensic science itself, emergence of new special methods of investigation of crimes, changes

in the conceptual and terminological apparatus of forensic science, and formation of new fields of scientific research. This requires consideration of the status and prospects of the modern methodology of forensic science. Forensic science methodology involves dialectical (not dogmatic) approach, in connection with which the article analyzes systems of cognition methods used in forensic science, as well as a number of new methods with which the prospects of development of its methodology are associated.

Keywords: method; methodology; forensic science; paradigm; investigation of crimes.

IN MEMORIAM

Gennady N. Mukhin

Doctor of Law, Professor in the Department of State and Legal Disciplines at the Belarus State Economic University.

Dmitry V. Isyutin-Fedotkov

PhD in Law, Associate Professor, Senior Lawyer at the "Voskhod" Research Institute.

Problems of the Use of Special Knowledge in the Detection and Investigation of Crimes: The Creative Heritage of G.I. Gramovich.

The paper analyzes the current problems of the use of special knowledge in the detection and investigation of crimes. Based on the analysis of Professor G. Gramovich's fundamental works, the following problematic issues are outlined: the scientific definition of special knowledge, the system of special knowledge, the essence of special knowledge. The study of the issues concerning the use of special knowledge in the detection and investigation of crimes has enabled us to make a conclusion that not all of the regularities studied by Criminalistics lie within the universe of legal phenomena.

Keywords: history of Criminalistics; Professor Harold Ivanovich Gramovich; memory; special knowledge.

Authors Information

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