

OPINION

• **Paradoxes of the Law of Evidence.**

Valeriy P. Gmyrko – PhD in Law, Associate Professor in the Department of Criminal Law and Operational Search Activities of the Law Faculty at the Academy of Customs Service of Ukraine.

Igor A. Zinchenko – PhD in Law, Associate Professor in the Department of Legal Disciplines at the Kaliningrad branch of the International University in Moscow.

The article analyses the problem of evidence law, paired with a modern vision of definitions for 'evidence' and 'sources of evidence'. Attention is paid not only to doctrinal definition of these concepts, but their legal embodiment into the criminal procedure legislation of the Russian Federation and States of far and near abroad. Comparativist blindness is one of the sources of errors, inaccuracies and mistakes. The authors state that the fixing in law of the definition of evidence and the list of their sources has not produced the desired result to give the legal community (primarily practitioners) a uniform understanding of it. Attention is drawn to negative consequences of ignoring an obvious fact that the nature of evidence in the various types of court proceedings (constitutional, criminal, civil, arbitration, administrative) is always one and the same. From the standpoint of practical activity approach, procedural evidence is formed on the basis of legal material and in a mode of cognition. As the legal nature of evidence is an issue within the scope of procedural doctrine, there is no reasonable practical or scientific necessity to fix in the future RF Code of Criminal Procedure, a general concept of evidence and an exhaustive list of their sources.

Keywords: theory of proof; law of evidence; evidence; sources of evidence; comparative jurisprudence.

• **On the Content, Form and Concept of Evidence in Criminal Proceedings.**

Nikolai A. Ivanov – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Omsk Law Academy.

The article argues that the evidence in a criminal case are not "any information", but only documented in the language of the criminal proceedings by the persons authorized to conduct pre-trial or trial proceedings, as well as experts and specialists, information (communications and data) on individuals or legal entities, material objects, facts, events, phenomena, processes, digital information, energy, physical fields and radiations, property and non-property rights of natural or legal persons, including intangible benefits.

Keywords: criminal procedure; evidence.

CRIMINAL LAW

• **Article 243 of the RF Criminal Code: A New Interpretation.**

Svetlana V. Anocshenkova – PhD in Law, Associate Professor in the Department of Criminal Law, Criminalistic and Criminology at the Mordovian State University named after N. Ogarev.

The next step taken by the legislator to establish the legal framework for the protection of cultural values was the adoption of Federal Law No. 245-FZ of 23 July 2013, entitled "On amending certain legislative acts of the Russian Federation to prevent illegal activities in the field of archaeology". This law has introduced changes in the RF Criminal Code, having amended in particular, the wording of Article 243 "Destruction or damage of cultural heritage objects (monuments of history and culture) belonging to the peoples of the Russian Federation, included in the unified state register of cultural heritage objects (monuments of history and

culture) belonging to the peoples of the Russian Federation, identified objects of cultural heritage, natural complexes, objects under state protection or cultural values". Based on the study of the acts of international law, European law, and regulatory acts of the USSR, aimed at protecting objects of cultural heritage, the author gives a brief description of the subjects of crime under Art. 243 of the RF Criminal Code, and provides their systematization; as well as defines the place of Art. 243 of the RF Criminal Code within the group of rules on criminal responsibility for crimes against objects of cultural heritage.

Keywords: convention; constitution; law; destruction; damage; objects of cultural heritage; monuments of history and culture; natural complexes; cultural values; objects of archaeological heritage; world heritage.

- **The Concept of Specific Object of Crimes Committed by Internal Affairs Officers in Connection with the Performance of Official Duties.**

Asker M. Bairamkulov – PhD Student in the Department of Criminal Law and Penitentiary Law at Saratov State Law Academy.

The article deals with the basic theoretical issues around the object of crime, and the peculiarities of its classification, presenting a justified author's position concerning the general object of crimes. Different approaches to the understanding of the specific object of malfeasance in office are analysed. Based on the study of the specific object of official malfeasance, the author proposes his own concept of it, then using it to detail the concept of sub-specific object of official misconduct, which in turn represents a specific object of crimes committed by internal affairs officers in connection with the performance of official duties.

Keywords: object of crime; specific object of malfeasance in office; specific object of crimes committed by internal affairs officers with the use of official powers.

- **Consequences of the Crime and the Principle of Justice.**

Viktor N. Vinokurov – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at the Siberian Law Institute of the Federal Drug Control Service of Russia.

Sergey Yu. Skobelin – PhD in Law, Associate Professor, Senior Lecturer in the Department of Criminal Law at the Institute of Professional Development of the Investigative Committee of the Russian Federation.

The article analyses the clarification of the Constitutional and Supreme Courts of the Russian Federation on the questions concerning the application of provisions of the RF Criminal Code, where, according to the authors, there is a violation of the principle of justice that no one should be punished twice for the same offence. Legislative solutions to eliminate double imputation of the crime's consequences are also proposed.

Keywords: object of crime; consequences; principle of justice; banditry; weapons.

- **The Effectiveness of Non-Custodial Criminal Punishment.**

Denis A. Garbatovich – PhD in Law, Dean of the Law Faculty of the Chelyabinsk Branch of the Russian Academy of Education University.

The article attempts to assess the effectiveness of non-custodial criminal punishment. As criteria for assessing the effectiveness of non-custodial criminal sentences, it is considered the frequency of their use, the rate of re-offending, and the number of convicted persons who have previously committed crimes. It is concluded that with the reduction in the use of imprisonment and suspended sentences, there is an increase among convicts in the proportion of relapsed criminals and persons who have previously committed crimes, which is hardly an indicator of the effectiveness of non-custodial sentencing.

Keywords: criminal punishment; suspended sentence; effectiveness of criminal punishment; re-offending.

• **On the Dual Form of Guilt within the Elements of the Offence under Art. 238 of the Criminal Code of the Russian Federation.**

Tatyana S. Kovalenko – Senior Teacher in the Department of Criminal Law and Criminology at the Petropavlovsk-Kamchatsky branch of the Far Eastern State University.

The article discusses the peculiarities of the application of dual form of guilt as an element of the offence under Article 238 of the RF Criminal Code, which establishes criminal liability for the production, possession, transportation or supply of goods and products, or works and services, not meeting the requirements of safety; as well as their manifestations in judicial practices. At the same time, doubts are expressed over the concept of crime with two forms of guilt, established in the Russian criminal law. In the article, the author also presents a different view of the subjective aspect of the offence in question, and suggests bringing the subjective aspect of the offence under Art. 238 of RF Criminal Code in line with the true psychic attitude of a perpetrator to the socially dangerous consequences, which arise because of the commission of this type of crime.

Keywords: guilt; reckless form of guilt; crimes with two forms of guilt.

• **On the New Law and Amnesty for Entrepreneurs.**

Nikita A. Kolokolov – Doctor of Laws, Professor in the Department of Judiciary and Organization of Justice at the National Research University 'Higher School of Economics'.

On November 29, 2012, the criminal and criminal procedural rules governing the criminal liability for crimes in the field of entrepreneurship were substantially transformed. The State Duma Resolution No. 2559-6 of 02.07.2013 has granted amnesty to Russian entrepreneurs who were held criminally liable. The article analyses the modest results of the liberalization of criminal policy towards entrepreneurs.

Keywords: RF Criminal Code; RF Code of Criminal Procedure; fraud; entrepreneur; entrepreneurship; amnesty .

• **Actions of a Property Nature in Extortion: The Definition of Essential Characteristics of the Object of Crime.**

Vadim V. Khiluta – PhD in Law, Associate Professor, Head of the Department of Criminal Law and Criminology at the Yanka Kupala State University of Grodno (Belarus).

The article deals with the issues of correlation between property gain and actions of a property nature. It analyses the judicial and investigatory practice, suggesting options for the classification of extortion when actions of a property nature are committed. A conclusion is justified that there is a necessity to construct a new model of property crime classification.

Keywords: extortion; property gain; actions of a property nature; embezzlement.

CRIMINAL PROCEDURE

• **On the Relation between Principles and Institutions of Criminal Procedural Law.**

Sergey S. Bezrukov – PhD in Law, Associate Professor, Higher Doctorate Candidate in the Department for Research Personnel Training at the All-Russian Research Institute of the MIA of Russia.

The article assesses the trend, which has become widely spread in recent years and advocated by representatives of the general theory of law and its separate branches, to attach significance to the principles of law as that of a legal institution. The author evaluates the arguments of supporters of such an approach, followed by his own vision of the correlation between the principles of law and legal institutions.

Keywords: legal institute; principles of law; principles of criminal procedure.

• **Compensation of Damages within Rehabilitation in the Russian Criminal Process: Shortcomings of Legal Regulation.**

Vladimir V. Dubrovin – PhD in Law, Senior Lecturer in the Department of Criminal Law, Criminal Procedure and Criminalistics of the International Law Faculty at Moscow State Institute of International Relations (University).

The article focuses on the analysis of the legislation governing the compensation of damages with rehabilitation in the criminal process in Russia. Attention is drawn to the problems of the current legal regulations relating to rehabilitation, caused by the possibility to apply simultaneously different branches of law that contain contradictory rules.

Keywords: criminal process; rehabilitation, RF Code of Criminal Procedure.

• **The Principle of Legality in Criminal Process and Its Correlation with Criminal Law Regulation.**

Sergey V. Nekrasov – PhD in Law, Associate Professor in the Department of Criminal law and Procedure at the Military-Technical University.

The author presents the results of a study on how broadly the principle of legality applies in criminal proceedings. The article highlights problematic relationships of legal rules. Special attention is paid to legal analogy.

Keywords: principle of legality; criminal Process; criminal law, correlation; legal analogy.

• **On the Rebuttability of the Presumption of Innocence.**

Igor A. Pikalov – PhD in Law, Associate Professor in the Department of Legal Disciplines at the Kurgan branch of the Ural Institute of Economics, Management and Law.

The article reveals the nature of the presumption of innocence.

Keywords: presumption; fiction; innocence; principle; criminal process.

• **Reasonable Time Limit as a New Principle of Criminal Proceedings.**

Igor V. Stukonog – Public Prosecutor of Armavir, Public Prosecutor’s office of the City of Armavir (Krasnodar Region).

As a result of the adoption of Federal Law No. 69-FZ of April 30, 2010, Article 6.1 “Reasonable time limit for criminal proceedings” has been introduced in the RF CPC. The author believes that this provides an additional guarantee for the participants of the criminal process, determining the time of beginning of the reasonable time period and its termination, as well as evaluating the criteria of reasonableness of criminal procedural time limits. In the article, on the basis of examples from judicial practice, the author explores the power of the prosecutor to comply with the requirements of federal law on the reasonable time limit for criminal proceedings, drawing attention to the existing contradiction in the legislation, as well as the complexity and inconsistencies in the application of this legal concept. In addition, the author of the article suggests proposals that would shorten the time of proceeding on a criminal case to complete it within a reasonable time period.

Keywords: prosecutor; reasonable time limit; pre-trial stages; criminal proceedings.

CRIMINOLOGY

• **Costs of Criminal Punishment.**

Ruslan O. Dolotov – PhD in Law, Senior Lecturer in the Department of Criminal Law and Penitentiary Law at Saratov State Law Academy.

The article analyses the negative social consequences of criminal punishment. Methodological framework for the assessment of such effects is discussed, including questions on how the costs

of punishment of different nature compare with each other, and on what are the spatial and temporal parameters for calculating them, etc. The author's own classification of the costs of punishment and methods to calculate some of them are also offered.

Keywords: criminal punishment; costs of punishment; consequences of punishment.

- **On the Causes Determining Domestic Violence against Minors in the Family.**

Yulia V. Zyryanova – PhD student at Irkutsk Law Institute (Branch) of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

Anna L. Repetskaya – Doctor of Laws, Professor, Deputy Director for Science at Irkutsk Law Institute (Branch) of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article examines the causes determining domestic violence against minors, analyzing them at the group and individual level. The authors come to the conclusion that the causes of such violence at the group level are deformation of moral psychology in the household and family, leisure and interpersonal relationships, self-awareness and self-esteem, as well as deformation of legal awareness. These deformations show themselves as a combination of specific anti-social beliefs, attitudes, stereotypes, on the basis of which, at the individual level, a criminogenic (in this case, aggressive and violent) motivation is formed. Content of these deformations are detailed.

Keywords: violence in the family; minors; causes of violence in the family; deformation of psychology; criminogenic motivation.

- **Victimological Description of Female Criminal Re-Offending (Based on the Example of Irkutsk Region).**

Olga V. Karpova – Magistrate, Magistracy No. 23 of Lenin Okrug of Irkutsk City.

Dmitry V. Sinkov – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at Irkutsk Law Institute (Branch) of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

Based on the example of a single region, the article gives an analysis of the victims of female recidivism. It is noted that to reduce the most dangerous types of crimes related to the infliction of harm to the victim (violent, violent-acquisitive, acquisitive, etc.), it is advisable to affect not only on the processes criminalizing the offender, but also on the factors that contribute to the victimization of potential victims. The article also provides detailed socio-demographic characteristics of the victims, analyzing, in addition, the social ties and relationships between female criminals and victims and their influence on criminal behavior. In conclusion, it is noted that the victimological analysis has revealed some features of the interaction between female offenders and victims, contributing to the existence of this type of crime, which are rather specific and are manifested both in the victimity of the victim and his/her behavior as victim.

Keywords: victim; victimization characteristic; female re-offending; rate of victimization; victimity.

- **The Effects of Unemployment on Theft (Criminological Research).**

Sergey G. Oljkov – Doctor of Laws, Professor, Head of the Department of Theory and History of State and Law at Surgut State University.

The aim of the article is to test the hypothesis of a link between unemployment and theft. The research methods used by the author are: (1) correlation analysis, (2) regression analysis, (3) dispersion analysis, 4) statistical observation, and (5) mathematical modeling. The author has obtained the following scientific results: (1) the establishment of a criminological pattern of positive correlation between the theft rate and unemployment in Ukraine according to 2010

statistics by regions; the linear correlation coefficient indicates a strong positive relationship between the variables ($r=0.83$), the coefficient of determination shows that 70 % of theft variations is explained by variations of unemployment rate; (2) obtaining an estimating correlation equation: $\hat{y} = -4830.64 + 0.2143 \chi$, where ' \hat{y} ' is the estimated value of theft rate, and ' χ ' is the unemployment rate. The free term of the equation has no criminological significance (negative), and the regression coefficient shows that the change in the number of unemployed per unit causes a change in the number of thefts up to 0.214. Given the high correlation coefficient and statistically significant regression equation, it is possible to accurately predict the average level of theft depending on the level of unemployment in the country.

Keywords : unemployment; theft; correlation.

CRIMINALISTICS

• **Psychological Impact as an Instrument of Legal Knowledge and Proof.**

Yuri P. Borulenkov – PhD in Law, Associate Professor, Deputy Director of the Institute of Professional Development of the Investigative Committee of the Russian Federation.

LILIYA A. DMITRIEVA – PhD in Psychology, Associate Professor in the Department of Management of Investigative Bodies' Activities at the Institute of Professional Development of the Investigative Committee of the Russian Federation.

The article focuses on the psychological impact as an instrument of legal knowledge and proof, on the problems of its practical application in legal activities. It is emphasized the need for the lawyer to master skills and knowledge in techniques of lawful psychological impact to provide tactical advantage over procedural opponents with the purpose of achieving planned objectives. A system of strategies, tactics and methods of psychological impact are also considered.

Keywords: legal knowledge; proof; psychological impact.

• **Typical Ways of Illegal Crossing of the State Border of the Russian Federation by a Group of Individuals by Prior Collusion.**

Rustam Z. Emaletdinov – Senior Lecturer in the Department of Criminal Law at Kurgan Border Control Institute of the Federal Security Service of the Russian Federation.

The article discusses the most common ways to prepare, commit and conceal an illegal crossing of the State border of the Russian Federation, committed by a group of individuals by prior collusion. The author justifies the idea that forensically significant direct crime committing methods are particular cases of those methods set forth in Article 322 of the RF Criminal Code, and are selected by offenders depending on the characteristics of the place of crossing over the State border of the Russian Federation, whether through designated border crossing checkpoints or in bypass of them.

Keywords: illegal crossing of the State border of the Russian Federation; a group of individuals acting with prior collusion; forensic characteristics; typical ways to prepare, commit and conceal a crime.

• **Current Issues of Using Specialist's Opinion in the Investigation of Offences Involving Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Their Analogues.**

Svetlana I. Zemtsova – Senior Lecturer in the Department of Criminalistics at the Siberian Law Institute of the Federal Drug Control Service of the Russian Federation.

The article discusses the correlation of specialist's opinion with other types of special knowledge: an expert's opinion and findings of the preliminary investigation of objects. The author analyses the established practice of applying the law in using the specialist's opinion

when investigating offences involving illicit trafficking in narcotic drugs. Basing on the analysis of literary sources and empirical data, suggestions are formulated on the necessity to record the results of preliminary investigation of objects in the form of specialist's report; and on what should be the structure of specialist's opinion.

Keywords: narcotic drugs; specialist's opinion; investigation of objects; specialist.

- **Documents as Sources of Evidence in the Investigation of Corruption Crimes (On the Example of Embezzlement of Labour Remuneration Funds).**

Yuri F. Kamenetskiy – Master of Economic Sciences, Particularly Important Cases Investigator of Preliminary Investigations Practice Analysis Division of Crime Investigations Organization Department of the Investigative Committee of the Republic of Belarus.

The article deals with the examination of documents in the investigation of corruption crimes related to remuneration of labour. The main sources of evidence (carriers of information on corruption offences) are documents, each of which reveals specific circumstances to be established and proven. Examining of the documents should advisably be split according to their specificity into two component parts: (1) the examination of national, departmental, and local normative legal instruments (in the context of labour relations), including documents on the legal capacity of the business and the functioning of its business units (officers); and (2) the examination of records of personnel, supplied labour and salaries.

Keywords: documents; sources of evidence; corruption crimes.

- **On the Concept of Investigative Lead in Crime Investigation.**

Igor M. Komarov – Doctor of Laws, Professor in the Department of Criminalistics of the Law Faculty at Lomonosov Moscow State University.

The article offers a brief theoretical analysis of the key stages in the development of forensic theory on the investigative lead in preliminary investigation of crimes, and considers the issue of investigative lead as one of the ways to solve its tactical tasks.

Keywords: forensic lead; investigative action; preliminary investigation; investigative situation.

- **Identification of the Signs of Criminal Situation Impeding Lawful Business Activity.**

Anastasia V. Matyushkina – PhD in Law, Associate Professor in the Department of Law Enforcement Activities and Enforcement Proceedings at the Middle Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article justifies the author's position on the systemic nature of criminal conduct of officials in the economic field, drawing on the example of impeding lawful business activity. It provides a description of the criminal situations, in which it is possible to reveal both unlawful obstruction and other related crimes committed by an official. In addition, the article presents the operational investigative measures enabling to detect the signs of criminal situation impeding business activities, as well as outlines the difficulties in performing the interaction between investigative and operational bodies.

Keywords: criminal situation; operational search measures; trace pattern; wiretapping.

- **On the Relationship between the Theoretical Methods of Complex Forensic Examination of Person's Appearance Features and Practical Methods of Their Implementation.**

Sergey A. Pichugin – PhD in Law, Lecturer in the Department of Forensic Expert Activity at the Moscow University of the Ministry of Internal Affairs of Russia.

The article discusses the problematic issues of the relationship between the theoretical methods of complex forensic examination of person's appearance features and practical methods of their implementation. Trends of development of the methods of complex forensic examination of a person's appearance are also considered.

Keywords: examination method; person's appearance features; integrated concept.

• **A Specialist's Assessment of the Degree of Subjectivity of Eyewitness's Perception of Characteristics of External Appearance of a Person.**

Igor N. Podvolotskiy – PhD in Law, Associate Professor in the Department of Forensic Expert Examinations at Kutafin Moscow State Law University.

The article examines the psychological basis for a specialist's work in drafting subjective portraits of external appearance of a person for the purpose of detecting and investigating crimes. Attention is paid to the problem of identifying by a specialist of erroneous mental image formed in the eyewitness's memory due to inadequate perception of reality. Specialist, as a key figure in the process of searching for the offender, should approach the identification of characteristics of person's appearance with creativity, taking into account the entire system of objective and subjective factors influencing the eyewitness at the moment of perception, preservation and reproduction of the mental image, and be able to evaluate the truthfulness of eyewitness testimony and the degree of compliance of the composed portrait to the characteristics of appearance of the person sought.

Keywords: specialist; eyewitness; subjective portrait; external appearance of a person; operational search measures; investigation and detection of crimes; subjective factor.

• **Forensic Classification of Crimes as a Means of Optimizing the Investigation.**

Nikolay A. Podolnyy – Doctor of Laws, Associate Professor, Head of the Department of Criminal Law, Criminalistics and Criminology of the Law Faculty at Ogarev Mordovian State University.

The article raises the issue of forensic classification of crimes. Attention is drawn to the fact that it is a means of optimizing the investigation. At the same time, it is questioned whether the existing concepts of forensic classification comply with practical needs of investigation. Criminal and forensic classifications of crimes are confronted to each other. Based on this comparison, conclusions are drawn on the significance of each of these classifications for crime investigation. Forensically significant features of crimes are analysed, that serve as a criterion for identifying classification groups within the forensic classification of crimes.

Keywords: investigation methods; criminal classification of crimes; forensic classification of crimes; forensically significant features.

• **On the Necessity of Forensic Classification of Crimes Involving Falsification.**

Artur G. Kholevchuk – PhD in Law, Senior Lecturer in the Department of Civil and International Law at the State Marine University named after F.F. Ushakov

The article justifies the need to design a forensic classification system of crimes in which falsification is the way of their commission or included in its structure.

Keywords: forensic science; method of crime; falsification; detection; exposure; criminal process; forensic classification.

• **Classification Studies of Tactical Means of Crime Investigation: A Problem Statement and Theoretical and Methodical Approaches to Solve It.**

Aleksandr A. Cheburenkov – PhD in Law, Associate Professor in the Department of Criminal Law, Criminalistics and Criminology of the Law Faculty at the Mordovian State University named after N.P. Ogarev.

The article examines the current state of development of the classification problem in forensic research, critically assesses the quality of a number of existing classifications of various means of crime investigation, draws attention to the difficulties in creating new classification systems, and determines the topical areas of further development of the classification research in forensic tactics. Taking into account the general scientific requirements and conditions of

classification procedures, the author develops theoretical and methodological approaches to creating scientifically sound and practically feasible classifications of tactical means of crime investigation.

Keywords: classification; tactical means of crime investigation; scientific and methodical approaches to classification; basis for classification.

● **On the Concept and Contents of Test Purchase of Narcotic Drugs, Psychotropic Potent and Toxic Substances.**

Lubov E. Chistova – PhD in Law, Associate Professor in the Department of Criminalistics at the Moscow University of the Ministry of Internal Affairs of Russia.

The article discusses in detail the problematic issues concerning the actions of operational staff when carrying out a test purchase. Different points of view are explored concerning the concept and content of this operational measure. An author's point of view on these issues is also provided.

Keywords: test purchase; operational measure; provocation.

● **Tactics Peculiarities in Using Data of Forensic Diagnosis Based on Author's Speech Skills in Typical Investigative Situations.**

Olga I. Shakhtarina – PhD Student in the Department of Criminalistics of the Law Faculty at Lomonosov Moscow State University.

Based on the outcome of the study of practical material, the author identifies typical situations associated with using the results of forensic diagnosis based on author's speech skills.

Keywords: typical situation; study of authorship; forensic diagnosis; speech skills.

FORENSIC EXAMINATIONS

● **The Use of Special Methods of Oil and Oil Products Examination for the Forensic Identification of Oil Pollution Perpetrators.**

Sergey G. Ivakhnyuk – PhD in Technical Sciences, Deputy Head of Fire and Explosion Examination Unit at the Forensic Examination Centre of St. Petersburg and Leningrad District Main Directorate of the Ministry of Internal Affairs of the Russian Federation.

Large spills of oil, attracting special attention of the public, require, as a rule, urgent actions on the part of public organizations. To identify the specific perpetrators of oil pollution is not always possible even when there are only two potential sources of pollution (for example, only two oil tankers in the port). The author suggests using a method for the identification of marine polluting oil wells, which is based on determining if concentrations of heavy metals exceed normal background levels. This allows identifying the pollution perpetrator with accuracy to a single well within a particular oilfield or a specific refinery.

Keywords: transformation of petroleum hydrocarbons; forensic identification; perpetrator of oil pollution; control of heavy metals; polluting oil well.

● **The Problems of Expert Examination of a Road Traffic Accident in Criminal Proceedings.**

Roman G. Zorin – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Janka Kupala State University of Grodno, Deputy Editor in Chief of the 'Legal Aspect' research and practice journal.

Dmitry D. Selyukov – PhD in Technical Sciences, Associate Professor in the Department of Road Engineering at the Belarusian National Technical University.

The main task of the expert examination of a road traffic accident (RTA) is to establish a causal link between the functioning of the system "driver-vehicle-road traffic circumstances" and RTAs. The article discusses the problems of ordering and carrying out an expert examination of

RTA in criminal proceedings. These problems lie with a matter of personnel, methods of solving expert tasks, and equipment necessary for the needs of RTAs examination. In the framework of the implementation of the resolution of the 62nd session of the UN General Assembly that has declared 2011 to 2020 a decade of action for combating road accidents all over the planet, the problems of expert examination of RTAs require resolution.

Keywords: problem; expert examination of a road traffic accident; expert tasks; equipment for the needs of road traffic examination.

- **The Expert Psychological-Akmeological Techniques to Identify Signs of Psychological Reliability of Testimonies of Participants in Preliminary Investigation on the Basis of Video Material of Operational and Investigative Actions.**

Elena N. Kholopova – Doctor of Laws, PhD in Psychology, Professor in the Department of Criminal Procedure, Criminalistics and Legal Informatics at the Baltic Federal University named after I. Kant.

Galina K. Kravtsova – Polygraph Expert at the Kaliningrad Centre of Forensic Examination and Assessment.

With all the variety of researching tasks, the issue of forming new types of forensic psychological examination remains relevant and is associated primarily with the introduction into practice of expert knowledge and skills of related sciences. The development of new and modification of existing expert techniques often causes tremendous scientific disputes and discussions with scientific and methodological background and issues concerning the limits of professional competence of expert psychologists. This is because, according to opponents, addressing the reliability of evidence, expert psychologists go beyond their competence, since establishing the credibility of testimony is the prerogative of the investigation and the court. In addition, the article provides an analysis of scientific and methodological material, which enables to argue that the psychological science has numerous experimental and theoretical data and specific science-based methods of research that allow to carry out psychological studies to assess the credibility of testimony of participants in criminal proceedings.

Keywords: psychological reliability; psychology of deception; verbal and non-verbal communication; private expert methods; expert psychologist's competence.

LAW ENFORCEMENT AGENCIES

- **Police science and police practice.**

Anatoly K. Kiselev – Doctor of Historical Sciences, Head of the Department of History and Theory of State and Law at the North Caucasus Social Institute.

Scientific knowledge is necessary for the police as a means of maintaining public security and social justice. The author deems it possible to define the police science as a system of scientific findings obtained in the study of law enforcement. Only nine countries of the EU offer in the framework of their education programs special training in methods and methodology of science and research on the police, while some other plan to create such a program. This fact has become the starting point for the beginning of work to develop police science in Europe.

Keywords: police; science; theory and practice; Police Academy; public security; methodology of science.

- **On Changing the Conception of Prosecutorial Activities in Ukraine.**

Sergey V. Podkopaev – PhD in Law, Professor in the Department of Criminal Law and Procedure at Kiev International University.

The article reviews the basic stages of transformation of a national model of prosecutor's office in Ukraine, preceding the development of the new draft law of Ukraine "On the Public

Prosecutor's Office"; as well as factors influencing on its change and conditions surrounding its development. The author provides an analysis of the fundamentally new provisions of the draft law of Ukraine "On the Public Prosecutor's Office", regarding the target's purpose of activities, the principles of prosecutor's office organization and operation, as well as the scope and contents of powers (firstly outside the criminal area), and prosecutors' status. The contents of those provisions allow concluding that the conception of prosecutor's activity in Ukraine has been changed.

Keywords: prosecutor's office of Ukraine; draft law; reforming; surrounding reform conditions; conception; changes.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

• **International Legal Regulations Governing Joint (International) Investigations in Criminal Matters.**

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Over the last years the international community has developed and opened for signature a number of international agreements governing the issues of international cooperation in the fight against crime. Along with the regulation of traditional legal institutions, they have embodied international legal basis for new areas of cooperation in this field, one of which is joint (international) investigations. The leading role in shaping the legal regulation of this legal institution belongs to United Nations. Positive experience of legal regulation of joint investigations in the EU law is also of interest.

Keywords: international cooperation in combating crime; United Nations; European Union; Europol; Eurojust; legal regulation; joint investigations, joint (international) investigation teams.

• **Interaction Between the Prosecutor General's Offices of CIS Member States in the Implementation of International Treaties in the Field of Criminal Justice: Experience and Problems.**

Sergey P. Shcherba – Doctor of Laws, Professor, Honoured Worker of Science of Russia, Head of the Section for International Cooperation and Comparative Law at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation.

Pavel A. Smirnov – PhD in Law, Associate Professor, Leading Researcher in the Section for International Cooperation and Comparative Law at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation.

The article, based on the analysis of the results of activities of the Prosecutor General's Offices of CIS member states, addresses the major challenges of their interaction in the implementation of international treaties on extradition of accused persons, provision of legal assistance in criminal matters and transfer of criminal proceedings. The problems are divided for convenience into key blocks. Assessment is provided of the existing legal framework of cooperation, which resulted in concluding that there is no objective need to make changes to international instruments. However, the national legislation of CIS member states should be improved. In addition, the article also analyses the problems of interrogation in the requested State of its own citizens as accused/suspects and transmission of suspended criminal cases.

Keywords: international cooperation in the fight against crime; CIS; legal assistance; transfer of criminal proceedings; interrogation; resumption of criminal proceedings.

• **The Concepts of ‘Serviceman’ and ‘Person Liable for Military Service’: Their Characteristics and Types in the Criminal Law and Military Legislation of Ukraine.**

Victor P. Bodayevskiy – PhD in Law, Associate Professor in the Department of Special Legal Sciences of the Law Faculty at the Crimean Economic Institute of Kiev National Economic University named after Vadim Get'man.

In the context of the criminal law and military legislation of Ukraine, the article examines the concepts of ‘serviceman’ and ‘person liable for military service’, analyses the features of these categories. Particular attention is focused on their classification, the grounds for which are defined by the Ukrainian criminal law and judicial practices.

Keywords: serviceman; person liable for military service; reservist; military service; military duty; classification of servicemen and persons liable for military service.

• **Deposition Testimony at Pre-Trial Investigations (A Comparative Legal Analysis).**

Artur S. Ghambaryan – Doctor of Laws, Associate Professor, Head of the Department of Legal Support and European Integration of the General Prosecutor’s Office of the Republic of Armenia.

Anna A. Hovhannisyan – Master of Law, Student in Prosecutor’s School of RA.

The article discusses one of the topical issues in the science of criminal procedure – deposition testimony taken during pre-trial investigations. It presents a comparative legal analysis of the system of deposition testimony taken during pre-trial investigations in the light of the innovations included in the new draft Code of Criminal Procedure of the Republic of Armenia. This comparative analysis reveals various aspects of the issue in question in a number of states, detailing different approaches to its legislative regulation.

Keywords: criminal procedure; deposition; interrogation; testimony; disclosure; recognition; non-appearance.

• **Discharge from Criminal Liability in Ukraine: On the Issue of Legal Nature and Regulation.**

Igor I. Mitrofanov – PhD in Law, Associate Professor, Head of the Department of Criminal and Civil Law and Procedure at Kremenchug National University named after Mikhail Ostrogradskiy.

The article analyses the various norms of substantive and procedural law, governing the exemption from criminal liability; and discusses the procedural procedure to be followed. It examines the points of view of scientists on what is exactly the content of the exemption from criminal liability. Its concept is defined. The scope of the concept of “criminal prosecution” is examined in connection with the need to study the individual grounds for excluding criminal liability. Proposals are offered to change the formulation of grounds for excluding criminal liability in the Criminal Code of Ukraine.

Keywords: pre-trial investigation; judicial investigation; criminal liability; discharge from criminal liability; legal relationships; criminal offence; crime; criminal misconduct; criminal law; criminal proceedings.

• **Common Problems of Scientific Research Papers on Jurisprudence.**

Sergey I. Zakhartsev – Doctor of Laws, Deputy Director General of Russian Machines OJSC.

In the article, on the basis of the examination of scientific research papers on jurisprudence, the author identifies six problems typical for contemporary legal science, suggesting ways to resolve the existing issues.

Keywords: jurisprudence; problems of legal science.

• **Contradictions in the Interpretation of the Notion of “Individual” as Subject or Object of Legal Relations in the Modern Legislation of the Russian Federation (Theoretical and Methodological Analysis).**

Konstantin M. Lobzov – Doctor of Military Sciences, Professor of the Department of Information Security at the Institute of Public Management, Law and Innovative Technologies.

The article offers the author's approach to the interpretation of the notion of “individual” as subject and object of legal relationships in the modern legislation of the Russian Federation on the basis of a classical theoretical and psychological approach to the subject-matter of the study. It is shown that in the modern legislation of the country, as well as in legal sciences, the notion of “individual” is unfairly identified with a natural person that is contrary to the spirit of the category of individuality in psychological science, where its content is treated as a system (social) quality of the human individual, being its “carrier”. Proposals for the resolution of the contradictions are also formulated.

Keywords: citizen; foreign national; Constitution of the Russian Federation; individual; personality; person; carrier of consciousness; object; law; legal relationships; subject; federal law; natural person; human being.

LEGAL SCIENCE IN PRACTICE

• **On the Admissibility of Interrogation of Foreign Nationals within the Premises of Russia’s Missions Abroad.**

Aleksandr G. Volevodz – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute of International Relations (University) of the MFA of Russia.

Modern investigative practice among other disorders is characterised by sporadic cases of violations by domestic bodies of preliminary investigation (inquiry) of normative regulations of the RF CPC and international treaties of the Russian Federation governing the procedure of international cooperation in criminal justice. Such violations include facts of carrying out by Russian investigators (inquiry officers) within the premises of Russia’s foreign missions of investigative actions against the citizens of foreign states without the consent of the authorities of the latter. Based on the legal analysis of a specific investigation situation, the article exposes the essence of the violations of domestic and international law norms being committed in such cases.

Keywords: international cooperation in criminal justice; jurisdiction; extraterritoriality; state’s mission abroad; RF Code of Criminal Procedure; international treaties of the Russian Federation.

HISTORY OF LEGAL SCIENCE

• **On the Origin of the Concept of Method of Committing a Crime.**

Sergey V. Shilovski – PhD Student in the Department of Criminal Law and Procedure of the Law Institute at the Northern (Arctic) Federal University named after M.V. Lomonosov.

The article reviews the origin and development of the criminal category of method of committing a crime in the first legal acts of ancient Russia. It touches upon the issues of law-making techniques in formalizing various methods of committing a crime and their description in law, and provides analysis of some Russian Truth’s articles of brief and detailed editions, in which there are references to methods of committing a crime; comparing those articles and suggesting a possible reason for the difference in text content between identical articles.

Keywords: history; crime; elements of a crime; method of committing a crime; objective aspect of a crime.

- **The Leader of the Nizhny Novgorod School of Thought in Criminal Procedure, Professor V.T. Tomin Is Celebrating His 80th Birthday.**

Igor A. Zinchenko – PhD in Law, Associate Professor in the Department of Legal Disciplines at the Kaliningrad branch of the International University (in Moscow).

The article is dedicated to the 80th anniversary of V.T. Tomin, the outstanding Russian higher school teacher and scientist of criminal procedure. The author has been lucky enough to learn from the person whose jubilee is being celebrated, to work under his supervision and participate in a number of research projects. And this work still continues to this day.

Keywords: criminal process; science of criminal procedure; Professor V.T. Tomin.

- **Authors Information**

- **Manuscripts Submission Guidelines**