

### OPINION

- **And yet, where to put a comma: «To pardon impossible to execute?»**

**Tatiana F. Minyazeva** – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure, and Criminalistics at Russian University of Peoples' Friendship.

**Denis A. Dobryakov** – PhD Student in the Department of Criminal Law, Criminal Procedure, and Criminalistics at Russian University of Peoples' Friendship.

The article deals with the issue of the death penalty in Russia, and also pays attention to this type of punishment in the foreign countries. The authors draw attention to the controversial dual approach of the State to the death penalty in its legal regulation and enforcement, taking the Russian Federation and the Republic of Korea as an example. An opinion is expressed that it is expedient to reverse the moratorium on the death penalty in Russia as being an insufficient and ambiguous half-measure. The authors point out the difference in purposes of having the death penalty in the system of punishment and its application to a particular person. The article emphasises that application of the death penalty for crimes stipulated by the law is not contrary to the principle of humanism from the perspective of its execution procedure and solutions of the criminal law objectives.

*Keywords:* death penalty; moratorium; punishment; high crime; humanism; the right to live.

### CRIMINAL LAW

- **Conspiracy as a form of preparation and an element of complicity: issues of delineation and qualification**

**Maria V. Rasskazova** – Investigator for particularly important cases at the Investigatory Department of the MIA of Russia, Central Administrative District of Moscow.

The article analyses the issue of delineation of conspiracy as a form of preparation for a crime and conspiracy as an element of the complicity concept. The author specifies basic features of conspiracy, formulates rules for its criminal and legal assessment.

*Keywords:* conspiracy; preparation for a crime; complicity in crime.

- **Criminal law counteraction to illegal manufacture of medicinal products and medical devices (Article 2351 of the Criminal Code of the Russian Federation): object of crime**

**Ilya V. Firsov** – PhD Candidate in the Department of Criminal Law at Kutafin Moscow State Law University.

The article deals with discussion problems of the object of crime formulated in Article 2351 of the Criminal Code. The author defines a generic, specific, direct object and subject of illegal manufacture of medicinal products and medical devices.

*Keywords:* illegal manufacture of medicinal products and medical devices; object of criminal law protection; subject of illegal manufacture of medicinal products and medical devices.

### CRIMINAL PROCEDURE

- **Some specific features of withdrawing any electronic media during a search and executing seizure under a criminal case**

**Vitaliy F. Vasyukov** – PhD in Law, Associate Professor in the Department of Criminal Law and Criminal Procedure at Orel Law Institute of the MIA of Russia named after V.V. Lukyanov.

The article deals with the problematic issues of withdrawing any electronic media during a search and executing seizure under a criminal case. It sets out recommendations as to how to prepare for search and seizure with account of specific features of the seized objects, indicates possible difficulties in conducting such investigative actions.

*Keywords:* criminal proceedings; seizure; search; electronic media; copying.

- **On legislative regulation of certain investigative actions**

**Pavel E. Vlasov** – PhD in Law, Associate Professor, Leading Researcher in the Research Center for Criminal and Criminal Procedural Legislation Development and Research on Preliminary Investigation at the All-Russian Research Institute of the MIA of Russia.

The article deals with the topical issues of criminal procedure regulation of conducting certain investigative actions stipulated by the current Russian Code of Criminal Procedure – structures of such investigative actions as a face-to-face confrontation (Article 192 of the Russian Code of Criminal Procedure), control and record of conversations (Article 186 of the Russian Code of Criminal Procedure), receipt of information about connections between subscribers and/or subscriber units (Article 186.1 the Russian Code of Criminal Procedure). Separate consideration is given to exclusion of filming from the rules of the Russian Code of Criminal Procedure as a forensic technical means of additional fixation of the course and results of investigative actions, which has been out of use for a long time. In this paper, the author proposes legislative amendments, introduction of which in the relevant articles of the Criminal Procedure Code would eliminate the existing shortcomings.

*Keywords:* investigative actions; face-to-face confrontation; control and record of conversations; receipt of information about connections between subscribers.

#### ● **Problems of terminating criminal cases on non-rehabilitating grounds**

**Lyudmila M. Volodina** – Doctor of Laws, Professor, Professor in the Department of Criminal Procedural Law at Kutafin Moscow State Law University.

Peculiarity of terminating any criminal proceedings lies in completion of criminal proceedings without sentencing – administered justice on either guilt or innocence of a person persecuted under a criminal law procedure. Addressing this topic is associated with the practical value of the institute of criminal case termination in the light of a range of amendments to the criminal procedural law that establish non-rehabilitating grounds for termination of criminal cases. Currently, there are serious problems in regulation of this concept procedural order and enforcement practice.

*Keywords:* criminal proceedings; termination of criminal cases; non-rehabilitating grounds.

#### ● **Legal and organisational aspects of receipt and registration of reported crimes**

**Aleksandr V. Grinenko** – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics of the International Law Faculty at the Moscow State Institute of Foreign Relations (University) of the MFA of Russia.

The article deals with the problematic issues of legal regulation of a procedure for receipt and registration of reported crimes in law enforcement agencies. A comparative study of the provisions of the Russian Code of Criminal Procedure and the rules laid down in a number of agency regulations has been completed. Particular attention is paid to ensuring the rights of a person who filed a written or oral report on crime.

*Keywords:* investigator; reported crime; registration of an application; applicant; defender.

#### ● **Revisiting the discussion on the control and record of conversations as investigative actions**

**Sergey I. Zakhartsev** – Doctor of Laws, Professor in the Department of the Organization of law enforcement activity at Pskov State University, Assistant Director General Joint-stock company «Russian machines».

The article examines a procedural action regulated by Article 186 of the Code of Criminal Procedure named as «control and record of conversations». The author concludes that this procedural action meets the formal criteria for investigative actions, however, fails to comply with the actual features of an investigative action. Based on the above, the conclusion is formulated that it is inappropriate to regulate the control and record of conversations in the Russian Code of Criminal Procedure.

*Keywords:* criminal process, control and record of conversations, investigative action.

#### ● **Hearsay evidence in the criminal process: traditional and new conceptions**

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

Events occur in the criminal procedure doctrine that encroach on a range of the uppermost, basic provisions of the law of evidence. They may entail far-reaching consequences for the criminal procedure law and, thus, for the regulated real criminal proceedings. However, not all the opinions seem to be reasonable and lawful. The paper critically evaluates a number of new modern approaches to the procedural legal status of hearsay evidence in the criminal process.

*Keywords:* theory of evidence; classification of evidence; hearsay evidence; investigation reports.

#### ● **Criminal procedure grounds for formation of required evidence limits**

**Denis V. Zotov** – PhD in Law, Associate Professor, Acting Head of the Department of the Organization of Judicial Authority and Law Enforcement Activity at Voronezh State University.

The required evidence limits mean a number of sources of evidence, lacking which a criminal trial is problematic. The required evidence limits may be specified by the criminal procedure law through: 1) recognising an expert opinion as the required evidence limits in cases of mandatory commissioning an expert examination; 2) recognising an expert opinion as the required evidence limits in cases of commissioning and conducting forensic examinations prior to initiation of criminal proceedings; 3) recognising judicial acts involved in a criminal process under the rules of prejudicialness as the required evidence limits.

*Keywords:* evidence; evidence limits; evidence; expert examination; initiation of proceedings; prejudice; formal theory of evidence

• **Queen of the evidence? (confession and presumption of innocence in special trial procedures)**

**Valentina A. Lazareva** – Doctor of Laws, Professor, Head of the Department of Criminal Procedure and Criminalistics at Samara State University.

The article analyses problems arising in implementing the presumption of innocence in the criminal process under procedures based on confession of an accused person (prescribed in Chapters 40, 32.1 and 40.1 of the Code of Criminal Procedure), substantiates a finding that it is inadmissible to overestimate the role of confession for sentencing.

*Keywords:* presumption of innocence; confession; a special trial procedure; pre-trial cooperation agreement, well-foundedness of judgement.

• **On partial transfer of the burden of evidence: criminal-procedure and forensic aspects**

**Igor V. Maslov** – PhD in Law, Senior Lecturer in the Department of Criminalistics at the Military University, Moscow.

The article deals with the problematic issues of evidence of the mental element in a crime, gives case studies of «losing» this element from the subject of evidence, concludes whether it is possible to establish motives and objectives of a crime only at the level of high probability.

*Keywords:* burden of evidence; the mental element in a crime; ways to establish the mental element in a crime.

• **On legal significance of results of operational and investigative activities in the arbitration process as evidence in cases of imposing administrative sanctions**

**Sergey B. Mironov** – PhD Student in the Department of Criminal Law and Criminal Procedure at the Institute of Law and Management of Tula State University.

**Tatiana B. Mironova** – 2nd-year student of MA course at the Moscow State Institute of Foreign Relations (University) of the MFA of Russia.

The article deals with peculiarities of using the results of operational and investigative activities in court trials, their admissibility and status, and also with some related problems. Law enforcement practice shows which problems in legal use of results of operational and investigative activities may face the courts in cases of imposing administrative sanctions in the arbitration process.

*Keywords:* results of operational and investigative activities; arbitration process; imposition of administrative sanctions; evidence.

• **Implementation of the adversarial principle at the pre-trial stage of the criminal process**

**Victor V. Pushkarev** – PhD in Law, Associate Professor in the Preliminary Investigation Department at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article deals with the problematic issues of theoretical and practical nature caused by coverage of pre-trial proceedings by the adversarial principle. The article discloses the forms of securing the adversariality in the law, a complex value of the adversarial principle in the criminal process, problematic aspects of implementing the adversariality by participants of the criminal process. Particular attention is paid to topical issues of ensuring the rights and legitimate interests of persons involved in the proceedings.

*Keywords:* principles of the criminal process; adversariality; investigator; defender; court; evidence; pre-trial proceedings.

• **Modern problems of efficiency of the victim's procedural status**

**Garnik O. Safaryan** – PhD Student in the Department of Criminal Procedure at Kuban State University.

The article explains that improvement of the victim's procedural status is possible subject to compliance of the legitimate interests with the procedural rights acquired for their protection. On the

whole, the author positively assesses the steps taken by the legislator for expansion of the victim's rights, although some innovations seem unnecessary, such as the right to obtain information about any movements of a person sentenced to imprisonment.

*Keywords:* victim; procedural status; legitimate interests; convicting function.

• **Need to ensure parity of victim's and accused person's rights in the Code of Criminal Procedure of the Russian Federation**

**Aleksandr B. Solovyev** – Doctor of Laws, Professor.

Since the recent mid-century, the problem of the procedural status of a victim in domestic criminal proceedings (criminal process) draws focused attention of the legislator, practitioners and representatives of science. Numerous publications, in addition to fair criticism of the situation, set out many reasonable proposals to improve the victim's status, to expand his/her procedural rights. However, scientific research of the proposals to amend the legislation still lacks completeness, consistency, argumentation, and therefore readiness for immediate implementation. In this regard, the author proves the need for a comparative analysis of the victim's and the accused person's powers in order to identify the existent inconsistencies and to improve the law on this basis for parity of the victim's and the accused person's rights.

*Keywords:* criminal proceedings; purpose and principles of criminal proceedings; adversariality; prosecution and defence; status and legitimate interests of the victim and the accused person (defendant); lawyer; victim's representative; civil plaintiff; civil defendant; representatives.

• **Causes of conflicts in criminal cases and possible ways to overcome them**

**Albert A. Khaidarov** – PhD in Law, Deputy Head of the Department of Criminal Procedure at Kazan Law Institute of the MIA of Russia.

The article deals with problematic situations that arise in parallel investigation of two or more criminal cases interrelated in the procedural and criminal law aspects. The author suggests a classification of such situations and ways to overcome them. There are two directions (formal-legal and organisational) to resolve such conflict situations.

*Keywords:* conflicts in criminal cases; combining and separation of a criminal case; grounds for combining of criminal cases; illegal combining of criminal cases.

• **On participation of legal representatives of a minor victim and witness at the stage of preliminary investigation of criminal cases**

**Elena V. Tsvetkova** – PhD in Law, Associate Professor in the Department of Criminal Law at Vladimir State University Law Institute.

Amendments to the Russian Code of Criminal Procedure effective as of January 01, 2015 gave no answers to questions relating to protection of rights and legal interests of minor witnesses and victims by third parties but, on the contrary, added even more uncertainties for practitioners in the course of investigative actions. In this paper the author draws attention to conflicts in the criminal procedure legislation governing the participation of legal representatives of minor victims and witnesses in investigative actions and suggests specific ways to address them through amendments to the Code of Criminal Procedure of the Russian Federation.

*Keywords:* minor; witness; victim; legal representative; investigative actions; close relatives; representatives.

<b>PENAL LAW. PENITENTIARY SYSTEM</b>
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• **Revisiting the definition of a concept of «group disobedience of convicts and detainees» and their classification**

**Evgeny E. Maslennikov** – PhD in Law, Senior Researcher in the Department of the Improvement of Methodologies of Regime, Security and Escort Provision at the Research Institute of the Federal Penitentiary Service of Russia.

The article discusses the definition and classification of group disobedience committed by controlled persons of the correctional system. The author considers the role played by organisers of unlawful acts and the danger of their escalating into riots.

*Keywords:* correctional system; unlawful acts; convicts; group disobedience; crime.

- **Factor analysis of efficiency of european penal systems**

**Pavel V. Teplyashin** – PhD in Law, Associate Professor, Head of Organizational-Scientific and Editorial-Publishing Department at the Siberian Law Institute of the Federal Drug Control Service of the Russian Federation.

The article shows possibilities of the factor analysis, which allows, together with the theoretical study, determining the efficiency of the national penal system. The author proves the necessity of evaluating the performance of the penal system using some qualitative and quantitative indicators. The author proposes and discusses four criteria of efficiency of the penal system. The factorial analysis of the penal system efficiency is held using the data standardisation and the principal component analysis. The article shows an example of implementing the factorial analysis in respect to the European countries.

*Keywords:* correctional facility; correlation matrix; efficiency criteria; convict; penal system; statistical modelling; safety factor.

## CRIMINOLOGY

- **Victimologic prevention of violence perpetrated in families against minors**

**Yulia V. Zyryanova** – Inspector of the Department of Procedural Control at the Investigation Office of Investigation Committee of the Russian Federation in Khakass Republic.

**Anna L. Repetskaya** – Doctor of Laws, Professor in the Department of Criminal Law and Criminology at the East Siberian Law Institute of the MIA of Russia.

The authors consider measures for victimologic prevention of violent crimes committed against minor family members. The attention is focused on the fact that victimologic prevention, along with the traditional preventive measures, increases crime prevention efficiency, makes preventive activity more humane and logically conclusive. It is proposed to review certain measures of victimological prevention aimed at protecting minors against domestic violence. It is concluded that victimological prevention oriented at work with potential and actual victims of crime should be an important component of the crime prevention system.

*Keywords:* domestic violence; minors; prevention; protection of the rights and interests of children; victimisation; devictimisation; potential victim; actual victim; victimologic measures.

- **Grounds for classification of crimes against family and minors and its criminological significance**

**Natalia V. Mashinskaya** – PhD in law, Associate Professor, Head of the Department of Criminal Law and Procedure at the Northern (Arctic) Federal University named after M.V. Lomonosov.

Needs for a deep theoretical understanding of negative social phenomena manifested in crime against the family and minors dictate the need for recourse to accentuation and elaboration of criminologically important features for structuring a classification of such crimes. Given that modern criminology has no uniform criteria for a criminological phenomena classification, the criminal law provisions should be used in order to arrange criminological characteristics of the said crimes.

*Keywords:* classification; crimes against the family and minors; criminologically important features.

## CRIMINALISTICS

- **Types of search predetermined by its geography**

**Stanislav V. Bazhanov** – Doctor of Laws, Professor, Leading Researcher of problems prosecutorial oversight and the rule of law in the economic sphere at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation, Academician at Petrovsky Academy of Arts and Sciences.

The article examines the types of search for suspects – convicts predetermined by geography (the scale) of activities of its subjects.

*Keywords:* suspect; accused person; defendant; convict; search; types of search.

- **Counteraction to investigation in the form of concealing crimes against property on railway transport**

**Oleg P. Gribunov** – PhD in Law, Associate Professor, Head of the Department of Criminalistics at East Siberian Institute of the MIA of Russia.

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

The article deals with some problems of recognising counteraction to investigation of property crimes committed on transport, in the form of concealment. Using the law enforcement data analysis and special theoretical studies as the basis, the authors discuss certain ways to conceal thefts of property on railway facilities and substantiate forensic methods and means of their recognition.

*Keywords:* counteraction to investigation; concealment of crime; property crimes on railway transport.

#### ● **Problems of applying the simulation technique in studying a perpetrator of crime**

**Natalia I. Malykhina** – PhD in Law, Associate Professor in the Department of Criminalistics at Saratov State Law Academy.

Simulation is of particular interest in the system of forensic techniques used to study a perpetrator; matters of understanding the essence of such technique are hitherto interpreted ambiguously and contradictory in multiple fields of knowledge. Analysis of papers in the science studies, philosophy, logic, psychology, forensic science, mathematics, etc. enabled the author to identify the key issues, whose existence causes the major contradictions in the understanding of the simulation technique in the forensic science. Thus, it is established that the term «simulation» is used in research as a definition of not only a method of knowledge but also the modelling activity. Failure to delineate the both concepts generates the erroneous equation by individual researchers of the simulation technique and stages of modelling activities. The author proposes her interpretation of the simulation technique, identifies the main components of the modelling procedure.

*Keywords:* simulation; method of knowledge; modelling; perpetrator of crime; methods used to study a perpetrator of a crime; forensic characteristics of a crime; information model of a crime.

#### ● **Some problems of investigative prevention**

**Makhtay SH. Makhtayev** – Doctor of Laws, Professor in the Department of Criminalistics at Lomonosov Moscow State University.

The article substantiates necessity of clear legal regulation of investigator's powers in the field of crime prevention, providing him/her with the right to conduct preventive (educational) activities with persons being on the brink of committing a crime, and, in particular, with the right to declare a warning that it is inadmissible to violate the law (an official warning); it uncovers the basic principles of arranging the preventive activity by the inspector.

*Keywords:* investigator; powers; prevention (prophylaxis) of crime; a warning that it is inadmissible to violate the law (official warning); preventive activities; criminal process.

#### ● **Forensic phenotypology: concept and content**

**Sergey A. Pichugin** – PhD in Law, Senior Lecturer in the Department of Forensic Expert Activity at Moscow University of the MIA of Russia named after V. Ya. Kikot.

The article presents arguments as to the need for generation of a forensic conception of studying the human appearance from the perspective of comprehensiveness of the applied knowledge from sciences allied to the forensics.

*Keywords:* phenotype; forensic habitoscopy; attributes of human appearance; integrated science.

#### ● **Solution of crimes and certain criteria for assessment of investigators' work**

**Ramil R. Rakhmatullin** – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Kazan (Volga Region) Federal University.

One of the topical problems of the law enforcement practice is the state and quality of crime investigation. However, researchers and practitioners use different criteria for assessing the investigators' work. The author sees optimisation of such criteria as part of the perfected legislation and adoption of organisational and administrative decisions. At the same time, implementation of tasks to solve crimes requires a new investigator – a professional with a high level of education in law and with advanced criminalistic thinking. It appears that attempts made by the scientific community and investigative practice to establish professional standards of a forensic investigator will accelerate a process of forming an investigator, who is ready to work in modern conditions.

*Keywords:* adversarial proceedings; solution of crimes; crime investigation.

#### ● **Problems of establishing modus operandi in the mechanism of crimes related to illegal gambling organisation and conduct at the initial investigation stage**

**Oksana V. Usenko** – PhD Student at the Far Eastern Law Institute of the MIA of Russia.

The article analyses *modus operandi* as a feature of a crime under Article 171.2 of the Criminal Code of the Russian Federation. The author scrutinises problems of correlation between the *modus operandi* and constituent elements of crime as set out in the criminal law rule.

*Keywords:* organisation of gambling; conduct of gambling; gambling equipment; crime scene; gaming zones.

● **Relationship between the strategy of combating the transnational crimes and forensic strategy of their investigation: problems of simulation**

**Denis S. Khizhniak** – PhD in Law, Associate Professor in the Department of Forensic Science Methodology at Saratov State Law Academy.

Due to the fact that in the recent decade strategic documents, which deal with combating the transnational crimes, are adopted both at the international and national levels, the purpose of this article is to review their relationship with the forensic strategy for investigation of transnational crimes. The said strategies are compared using the frame-based simulation method, which enables to reveal similarities and differences in structures and contents of the two strategies and to justify a conclusion that the forensic activity may not be conducted as a system, which ensures solution and investigation of transnational crimes, in absence of a political and legal strategy.

*Keywords:* forensic activity; transnational crimes; strategy of choice; current strategy; investigation; model; frame; stratagem.

## FORENSIC EXAMINATIONS

● **Problem of ammunition in a ballistic expert examination and its possible solutions**

**Pavel A. Dyakonov** – PhD in Law, Associate Professor in the Department of Forensic Expert Activity at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article discusses the existing more than twenty years problem of classifying some cartridges as ammunition. The author speaks out his opinion relating to the concept of «ammunition». He proposes the ways of solving this problem.

*Keywords:* ammunition; cartridges.

● **Modern conception of forensic investigation of shells for non-lethal cartridges**

**Valentin N. Kachan** – Senior Lecturer in the Department of Forensic Expert Activity at Moscow University of the MIA of Russia named after V.Ya. Kikot.

In the article, the author formulates a concept and provides guidelines for forensic investigation of shells for non-lethal cartridges.

*Keywords:* forensic ballistics; forensic investigation; shell; non-lethal cartridges.

● **Some modern methods of investigating the biological traces used to identify a person: the experience of Japan**

**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.

Based on Japan's experience, the article covers modern methods of investigating the biological traces. The article sets out the data that actualise the identifying relevance of investigation in the domestic judicial and investigative practice of «non-traditional» biological traces in order to identify an individual. Given the achievements of foreign science, the author proposes to consider the use of positive experience in the domestic forensic practice, having assessed the efficiency of results obtained by Japanese specialists.

*Keywords:* biological traces; identification; forensic test; evidence; feces.

## LAW ENFORCEMENT AGENCIES

● **Warranties and compensations to officers of special task units, who perform tasks in specific conditions**

**Vyacheslav V. Zykov** – PhD in Law, Senior inspector for special assignments at Special Operations Center Rapid Reaction Force and Air Force of the Ministry of Internal Affairs of the Russian Federation.

The article analyses the problems of and the solution approaches to the legal and social protection for officers of special task units of internal affairs bodies that perform tasks in special conditions. The

article contains a comparative analysis of the legal acts used to date, which do not give full disclosure of this definition. After studying and analysing the semantics of this category of persons and the history of the legal acts related to social guarantees for officers performing tasks in special conditions, the author offers some solutions to this problem.

*Keywords:* special task units, counter-terrorist operation, social guarantees.

## INTERNATIONAL CRIMINAL LAW AND JUSTICE

### • **International terrorism as a scientific and legal concept and socio-political phenomenon (revisiting the problem of absence of a uniform definition)**

**Natalia N. Artyomenko** – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at the Institute of History and Law of Khakassia State University named after N.F. Katanov.

**Evgenia A. Grigoryeva** – 6th-year student in the Institute of History and Law of Khakassia State University named after N.F. Katanov.

The article discusses the problem of a scientific and legal concept of international terrorism with account of its understanding as a socio-political phenomenon. The article gives the analysis of a number of regulations and scientific views. The author analyses the international legislation in comparison with the laws of the Russian Federation. Attention is drawn to the fact that there are significant differences in regulation of liability for crimes in the sphere concerned.

*Keywords:* international terrorism; terrorist activities; criminal law; international instruments; foreign criminal law.

### • **Criminalistic and forensic expert support for activities of the Special tribunal for Lebanon**

**Shamil N. Khaziev** – PhD in Law, Associate Professor, Senior Researcher in the Sector of Criminal Law, Criminology and Justice Problems at the Institute of State and Law of the Russian Academy of Sciences.

The article deals with the experience of international forensic experts' cooperation in investigation of the terrorist attack in February 2005 that killed former Lebanese Prime Minister Rafik Hariri. Experience of international forensic teams and application of new technical and forensic tools may be very useful for the forensic community taken as a whole.

*Keywords:* forensic expert examination; international forensic expert team; Special Tribunal for Lebanon; act of terrorism; United Nations Organisation; international criminal process.

## COMPARATIVE LAW

### • **Revisiting the regulation of pre-trial proceedings in the United States**

**Maksim R. Glushkov** – Head of the Department of Criminalistics of the Sixth Faculty for Professional Development of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (Saint-Petersburg branch).

The article describes specific features of criminal proceedings in the United States, shows sources of the criminal procedural law that is composed on two levels, federal and state. In both cases, this system includes constitutions, procedural laws, court rules and precedents. The author gives a review of bodies authorised to conduct preliminary inquiry, indicates principles of regulation of their activities in this area. The main features of the US pre-trial proceedings are reviewed in comparison with their Russian counterpart.

*Keywords:* pre-trial proceedings; common law system; adversarial process; USA.

### • **Civil forfeiture as a crime preventive measure in the law of some states within the Anglo-American legal family (common law system): comparative law research**

**Yaroslava O. Kuchina** – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at the Far Eastern Federal University Law School.

Civil forfeiture used for criminal law purposes, in spite of its novelty for the Russian law, has been existing for a long time and is one of the oldest institutions of law, going back to the law of Ancient Greece and Ancient Rome. In today's world, this tool is an integral part of the so-called case law – the Anglo-American legal family – and is actively used in former British colonies to counteract money laundering and to obstruct activities of the organised crime. In this article the author, by the example of the comparative law analysis of the current legislation on civil forfeiture, reveals its concept, historical

evolution and state-of-the-art. In addition, the article focuses on the critical analysis of the use of civil forfeiture by examples of a number of relevant cases.

*Keywords:* civil forfeiture; case law; comparative law; money laundering; organised crime.

## METHODOLOGY OF LEGAL SCIENCE

• **On honesty in scientific research and on an accused person's testimony (reflections on the publications of N.N. Neretin «Revisiting the accused person's testimony given by him/her in absence of a defence counsel» // Advokatskaya Praktika (Law Practice), 2010, No. 2, «Some aspects of admissibility of the accused person's testimony given by him/her in pre-trial proceedings» // Vestnik Orenburgskogo Universiteta (Bulletin of the Orenburg State University), 2010, No. 3)**

**Sergey A. Novikov** – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Saint-Petersburg State University.

The article raises issues of honesty in scientific law research and, by an example of a particular paper dealing with an accused person's testimony and being the subject of plagiarism, demonstrates techniques used to disguise the same. The author insists on greater fidelity of colleagues to principles, on improved quality of reviewing, explanation of the danger of being exposed. He also formulates the topical issues of admissibility of an accused person's testimony for further scientific inquiry.

*Keywords:* scientific fidelity; plagiarism; accused person's testimony; admissibility of evidence.

• **Mathematical justification of the law of unity and struggle of opposites, prosecution, defence and equilibrium sentence in criminal proceedings**

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

The article sets forth mathematical justification of the law of unity and struggle of opposites, laws of prosecution, defence and equilibrium sentence in criminal proceedings. The practical significance of the study is the possibility to use the obtained scientific results for explanation, prediction and control of various legal, economic, technical and other processes.

*Keywords:* law of unity and struggle of opposites; laws of proceedings; mathematical simulation; analytical jurisprudence; sentence; function; approximation; correlation.

## FROM LEGAL SCIENCE TO PRACTICE

• **Methodological bases of investigation of crimes, part 1: Marking formation mechanism as a structuring starting point of crime investigation methods**

**Oleg Ya. Baev** – Doctor of Laws, Professor in the Department of Criminalistics at Voronezh State University.

The article substantiates a thing that structures a mechanism of crime of a forensically certain kind, that the latter, in turn, determines the marking formation mechanism as a result of its completion; from this perspective the author considers the possibility for an investigator to draft matrices of investigative and other actions aimed at «processing» the marking formation mechanism, which actions should underlie investigation of crimes.

*Keywords:* mechanism of crime; marking formation mechanism; processing by the investigator of the marking formation mechanism.

• **Problems of identification and evidence of smuggling-related crimes**

**Zarina K. Kondratenko** – PhD in Law, Associate Professor in the Department of Civil Law and Procedure at Mari State University.

**Ilya B. Kondratenko** – PhD in Pedagogics, Associate Professor in the Department of Mathematics, Informatics and Information Security at the Interregional Open Social Institute (Republic of Mari El, Yoshkar-Ola).

The authors examine problems encountered in identifying and proving the commission of crimes related to smuggling and «drug smuggling». They investigate modern forms of operational penetration in organised crime groups in order to gather evidence of smuggling preparation and commission. The authors identify typical situations that are formed at opening of a criminal investigation into smuggling and also analyse possible investigative actions. They identify legal and forensic problems in practice of investigating such crimes, which problems are associated with discovery of the moved items during their smuggling (by example of drug smuggling).

*Keywords:* smuggling; «drug smuggling»; identification of smuggling; investigation of smuggling; evidence of smuggling; concealment of illegal drugs; intracavitary way to hide; technical means.

## SCIENTIFIC LIFE

• **On scientific schools studying the operational and investigative activities and a place occupied by the school of S.I. Zahartsev in the study of the operational and investigative activities**

**Ivan N. Kondrat** – Doctor of Laws, Professor at the Moscow State Institute of Foreign Relations (University) of the MFA of Russia.

Viktor P. Salnikov – Doctor of Laws, Professor, Editor-In-Chief of the «Legal Science History and the Present» journal.

The article analyses scientific schools studying the operational and investigative activities. It substantiates the fundamental and promising nature of the scientific school of S.I. Zahartsev, its importance for the theory and practice of the operational and investigative activities.

*Keywords:* law; scientific school; philosophy; philosophy of the operational and investigative activities; science of the operational and investigative activities; scientific school of S.I. Zahartsev. Zakhartsev.