

OPINION

Topical Aspects of Criminal Policy Improvement in the Field of Economic Activities.

Alexander I. Bastrykin – Doctor of Laws, Professor, Honoured Lawyer of Russia, Honorary Worker of Justice of Russia, Chairman of the Investigative Committee of the Russian Federation, Colonel-General of Justice.

The article identifies and discusses certain areas of criminal policy improvement in the field of economic activities, provides information on the initiatives and proposals of the Investigative Committee of the Russian Federation aimed at updating the criminal policy in the field of economic activities to today's needs, and increasing the effectiveness of combating economic crime, especially its new forms.

Keywords: criminal policy; economic activities; Investigative Committee of the Russian Federation; fight against economic crime.

CRIMINAL LAW

The Means of Criminal Law Impact Mechanism as its Element.

Maxim V. Bavsun – PhD in Law, Associate Professor, Head of the Department of Criminal Law at Omsk Academy of the MIA of Russia.

The paper analyses the criminal law impact mechanism from the perspective of the means included in its content. Special attention is given to settling the problem of their correlation with each other (the proportionality between what is specified in the text of the criminal law and what is subsequently applied in practice), as a prerequisite for enhancing the effectiveness of criminal law response to crime. As a conclusion, it is suggested to formally fix this ratio within Article 60 of the RF Criminal Code, which should describe in detail another mechanism, different to the existing one, to respond to crime by means of criminal law character.

Keywords: means; criminal law impact; mechanism; correlation; punishment; other criminal law measures.

Problems of Classification of Crimes Committed through the Medium of Another Person Who is not Criminally Responsible due to Age.

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

The article deals with a controversial issue arising in judicial practice when classifying crimes committed through the medium of another person who is not criminally responsible because of age. The author advocates that such actions should be classed as cumulative crime, namely, as an offence committed by the use of another person who is not to be held criminally liable due to age, as well as influence a minor into committing a crime.

Keywords: classification of crimes; offences against minors; cumulative crime.

Improving Military Criminal Legislation as the Form of the Military Criminal Policy Implementation.

Yaroslav N. Ermolovich – PhD in Law, lecturer in the Department of Criminal Law at the Military University, Moscow.

In the article, the existing criminal and military legislation, international legal acts, and a number of scientific works on military criminal law are analyzed. The author concludes that the

existing criminal legislation regarding the criminal liability of military personnel is needed to be improved. The author offers his own concept of modern and perspective military criminal legislation. This concept involves a set of institutions structured in a certain way of the General and Special parts of criminal law. Based on the analysis performed, the author identifies the possible options for the development of military criminal legislation in the context of the general criminal legislation progress.

Keywords: military personnel; criminal liability; military criminal legislation; criminal law; military law.

False Denunciation: Issues of Classification in the Aspect of Interaction between the Precepts of Criminal Law and Criminal Procedural Law.

Vitaliy P. Efremov – Fifth Year Student of the Bashkir State University Institute of Law.

The article analyses the controversial issues of classifying offences under Article 306 of the RF Criminal Code, imposing criminal liability for knowingly false denunciation, and discusses the options for addressing them, taking into account the norms contained in the Code of Criminal Procedure of the Russian Federation.

Keywords: false denunciation; classification of crimes; institution of criminal proceedings; imposition of criminal liability.

The Concept and Characteristic Features of Criminal Law Measures.

Viktor S. Karpov – PhD in Law, Director of Irkutsk Law Institute (the Irkutsk Branch) of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article discusses the content characteristics of the concept of criminal law measures. The author makes proposals for improving the current criminal legislation as regards to the necessity of restoring confiscation within section III of the Criminal Code of the Russian Federation. In conclusion, the author offers his own legislatively articulated viewpoint on the concept of criminal law measures, based on the analysis performed.

Keywords: criminal law measures; punishment; compulsory measures of medical character; imperfection of criminal law.

Criminal Law Classification of Organized Crime Groups and the Problems of Their Differentiation.

Andrey V. Kisin – PhD candidate in the Department of Criminal Law at the Russian Academy of Justice, Senior Investigator for Cases of Special Importance of the Investigative Committee of the MIA of Russia.

Combating organized crime is an important and crucial area of a state's criminal policy, the effectiveness of which is strongly determined by criminological reasonableness and consistency of criminal legislation provisions. They should be based on theoretically well-aligned conception of organized crime groups and their classification. Considering uncertainty and inconsistency of this issue, the author attempts to formulate the content of organized crime groups' classification criteria and identifies prospects of development of the relevant section of the legislation. The author notes that typologies of organized crime groups meaningful in terms of criminology could not be directly applied in criminal law. At the same time, the author critically assesses the current Russian Criminal Code, which classifies organized crime groups based on such features, as a category of crime committed, its purpose and motive, level of organization and degree of structuredness of a crime group. To simplify the existing system of standards, the author proposes that organized crime groups should be categorized on the basis of substantive characteristic of crimes, both committed or planned by the group. Taking this into account, it is stated that the criminal law should contain a general rule providing for responsibility for the establishment and participation in organized crime group, and special rules providing for

responsibility for the establishment and participation in organized terrorist and extremist group.

Keywords: organized group; constancy; structuredness and purposes of an organized group; classification of organized crime groups; criminal community; illegal armed group; gang.

The Imposition of Punishment in Case of Signing a Pre-Trial Cooperation Agreement: Problems of Interaction between Criminal Law and Criminal Procedure Law.

Marina B. Kostrova – PhD in Law, Associate Professor in the Department of Criminal Law and Criminal Procedure at the Bashkir State University Institute of Law.

ILYA V. SOKOLOV – PhD in Law, Assistant Professor in the Department of Criminal Law and Criminal Procedure at the Bashkir State University Institute of Law.

The article analyses the issues surrounding the imposition of punishment in case of signing a pre-trial cooperation agreement, arising from the inconsistency between the norms of criminal law and criminal procedural law. It is concluded that the criminal law establishing a special rule for the imposition of punishment, the peculiarities of which are conditioned by the existence of the criminal procedural regulations governing special procedures at pre-trial and trial stages of the criminal proceedings, should take into account the functional purposes of those procedures.

Keywords: criminal law; criminal procedural law; imposition of punishment; pre-trial cooperation agreement.

Grounds for Providing Psychiatric Care for Persons Who Have Committed Socially Dangerous Acts while in a State of Insanity: The Legal Aspect.

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.

The article explores the grounds for providing psychiatric care for persons who have committed socially dangerous acts while in a state of insanity. The author points out two types of preventive measures including compulsory medical measures provided by Chapter 15 of the Criminal Code of the Russian Federation, and non-coercive actions implemented within the framework of the Federal Law of the Russian Federation «On Psychiatric Care and Guarantees of Citizens' Rights during Its Provision». To this end, an inter-branch analysis is provided, based not only on the norms of the effective criminal law, but also on the rules of the Criminal Procedure Code of the Russian Federation, the Federal Law «On Psychiatric Care and Guarantees of Citizens' Rights during Its Provision», the rulings of the Constitutional Court and the Supreme Court of the Russian Federation, as well as the case law of the European Court of Human Rights, and the criterion of danger to self or others or ability to inflict other substantial harm. Unfortunately, this criterion is not specified in detail within the national legal system, which is a gap in Russian criminal law. Because of this, the author proposes to include a norm in the Article 97 of the Criminal Code of the Russian Federation, which would specify in detail the general factors indicating the danger of a mentally ill person.

Keywords: types of psychiatric care; criminal insanity; compulsory medical measures; danger to self or others or ability to inflict other substantial harm.

Crime Reclassification in Court: Limitations and Options.

Aleksandr V. Rubanov – PhD Candidate in the Department of Criminal Law at the Russian Academy of Justice, Federal Judge of the Pskov Region Court.

One of the most difficult and important issues in the theory and practice of criminal law application is a re-classification of crimes. Due to various reasons of both objective and subjective nature, it might become necessary in time to change the initial legal assessment of an act in court. In this connection, a complex of both substantive and procedural legal issues arises. The present article examines the issues of grounds, limitations and options of crime re-

classification at the trial stage of criminal proceedings. The author's suggestions are built up on the classification of procedural mistakes into the following groups: mistakes made at the stage of preliminary investigation, and mistakes made in trial court's proceedings; mistakes resulting in over-classification of the offence, or mistakes resulting in understating the scope of charges. Basing on the analysis of regulatory documents and summarizing of the related case law of the Supreme Court of the Russian Federation, the author suggests an algorithm for making court decisions on occasions when mistakes made at various trial stages are rectified. The author proves that court's reclassification of crimes aimed at the remedy of classification mistakes, is one of the instruments for implementing principles of lawfulness, justice and humanism.

Keywords: application of criminal law rules; classification of crimes; mistakes of classification; reclassification; scope of charges; court of law.

On the Legal Regulation of Acts Involving the Use of Laser Light Endangering the Safety, Health and Lives of Passengers by Air, Rail and Road Transport.

Anton A. Savinkov – PhD student in the Department of Criminal Law Disciplines of the Faculty of Economics and Law at Moscow State Linguistics University.

The article addresses the issue of establishing criminal liability for blinding persons driving a transport facility by means of a laser light. The author suggests considering «laser attacks» as a willful infringement on public safety, which should be seen as has been completed at the point when a laser emitter of certain class was targeted onto a moving transport facility, under condition of endangering human life or property, or occurring other grave consequences.

Keywords: laser attack; blinding; transport facility; public safety; terrorism-related offences; hooliganism.

Methods of Discretionary Regime of Criminal Law Regulation in the Context of the Modern Understanding of Law.

Elina L. Sidorenko – PhD in Law, Associate Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute of International Relations (University) of the MFA of Russia.

The article presents a systematic analysis of the methods of discretionary regime of criminal law regulation. Particular attention is paid to the relationship between the object, method, and means of criminal law regulation, and the forms of implementation of mandatory and dispositive mechanisms of legal regulation.

Keywords: object; method of criminal law regulation; mandatory and dispositive methods; discretionary regime of criminal law regulation; private interest; victim; reconciliation; private prosecution.

Mob Justice: The Concept and Signs.

Aleksandr M. Smirnov – PhD in Law, Senior Research Officer in the Department for Problems of Regime and Security in Criminal Penal System at the Research Institute of the Russian Federal Penitentiary Service.

The author raises the question of the need for a universal notion of mob justice in the absence thereof in the national science and practice of criminal law and criminology, despite the fact that the self-authorized violence in contemporary Russia has for obvious reasons become widely spread. Analyzing the available views (including legal, and those from encyclopedias and dictionaries, and of individual scholars and practitioners), the author concludes that its definition can be considered in broad (response to any violation of legal or moral norms) and narrow sense (response to a crime only). Summarizing the available information, it is suggested to understand mob justice as a negative social phenomenon that is an unlawful response of citizens on their own retaliating against violations of legal regulations in the society, and moral prohibitions, as well as customs and traditions. The author suggests the following to be

considered as signs of this phenomenon: illegality; the lack of prior notice to relevant public authorities; incompetence of the «avengers» to commit such acts; the possibility to be directed at both real and supposed wrongdoers; societal appraisal of the action committed by a wrongdoer; the method of punishment used by the actors of mob justice based on their own choice; the glorification of mob justice in the society.

Keywords: mob justice; signs of mob justice.

On the Content and Structure of the Object of Criminal Law Protection.

Eugeny A. Sharafutdinov – Prosecutor in the Kemerovo Interdistrict Prosecutor’s Office for Supervision over Law Enforcement in Coal Mining Industry.

In the article, the author has attempted to structure the rather eclectic knowledge, judgments and understandings about the object of criminal offence (object of criminal law protection), accumulated in the doctrine of criminal law. Even the duality of terminology illustrates the problem in understanding the legal phenomenon in question. Based on the analysis of the given scope of information, the author offers the version of understanding the object of criminal law protection that would serve as unifying element for the regulating and protecting branches of law, meeting the requirements of both private and public law, which, in the result, should ensure the efficiency of law enforcement, minimizing the phenomenon of conflict between different branches of law.

Keywords: object of crime; object of criminal law protection; subject of crime; legal relationship; regulation; protection.

CRIMINAL PROCEDURE

On the Issue of Establishing the Truth in the Criminal Justice Process (on the example of a confrontation procedure).

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

In the article, the author focuses on the issues of a procedural form in legal knowledge and problems of its practical refraction in legal proceedings. The importance of this issue in relation to the criminal process ideology and its impact on the practical activities of law enforcement agencies are emphasized. It is noted that formalization of the criminal process cannot guarantee the reliability of outcomes obtained during the preliminary investigation. Factors affecting the results of such investigative action as confrontation, are discussed.

Keywords: legal knowledge; procedural form; preliminary investigations; investigative action; a confrontation procedure.

Amicus Curiae as a Participant in Criminal Proceedings.

Iliya S. Dikarev – PhD in Law, Associate Professor, Director of the Institute of Philosophy, Sociology and Law at Volgograd State University.

Goga O. Kantariya – MA student in Law at the Volgograd State University.

The article discusses the history and current state of amicus curiae institution. Based on the analysis of the case law of the European Court of Human Rights, legislation and judicial practices of foreign countries, the authors have concluded the possibility to introduce the legal institution of amicus curiae in Russian criminal procedural law. It is suggested that the status of amicus curiae should be granted to the Commissioner for Human Rights in the Russian Federation and Children’s Rights Commissioner for the President of the Russian Federation.

Keywords: criminal justice process; amicus curiae; ombudsman; court with supervisory authority; participants in criminal justice process.

A Criminalistic Study of Regularities of Formation and Elimination of Negative Circumstances and Substantial Violations in Criminal Proceedings.

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

The article looks at the problems of legal assessment of procedural violations and negative circumstances. Aspects of interrelation and interdependence between negative circumstances and procedural violations are explored in the context of their formation and elimination mechanism. The author provides a number of proposals to improve the current criminal procedural legislation. Problems of identification, establishment and elimination of negative circumstances and procedural violations are considered through the prism of the forms of counteraction, inherent to criminal process, of prosecution and defense parties.

Keywords: criminal proceedings; negative circumstances.

Investigative Errors in Trial Techniques.

Albina A. Kirillova – Acting President of the Supreme Court of the Republic of Buryatia.

As practitioners know, very often errors made within the pre-trial proceedings in criminal cases «smoothly flow» into trial stages. In the article, the author's conception of investigative errors is offered, and it is stated that they should be not only eliminated, but also should be predicted by supervising prosecutors, counsels for prosecution, and judges. In this sense, they all have similar aims in criminal procedure.

Keywords: error; violation of law; pre-trial stages; trial stages; criminal proceedings; judge; counsel for prosecution; public prosecutor.

Specific Features of Judicial Investigation as a Necessary Component of the Russian Criminal Proceedings.

Maria V. Palchikova – PhD in Law, Associate Professor in the Department of Constitutional Law at the Middle-Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

Judicial investigation is a court's activities aimed at collecting, testing and evaluation evidence. It is at the stage of judicial investigation that the major proportion of interim decisions are passed by the court. Judicial examination is a cognitive activity of the court related to the study of all the circumstances of a criminal case. These activities involve carrying out a number of actions, called investigative, and securing the results obtained in an appropriate form. Thereby the specified actions by their nature are comparable to those conducted in the course of the preliminary investigation. The common nature of the procedures for conducting the specified actions also shows itself in that the criminal procedure law applies the same very standards for the regulation of both judicial and investigative actions. At the same time, problems of procedural registration of judicial actions are too often left out of the field of view of criminal procedure scientists. In the article, a little widespread judicial actions as inspection, medical examination, and investigative experiment are considered. Using examples and statistical data, features of such actions as disclosure of testimonies of participants in judicial investigation, and their subsequent elimination, are analysed. Based on the analysis performed, the author propose to improve the judicial process by introducing the possibility of placing the judicial investigation on record.

Keywords: judicial investigation; facts of the case; evidence; inspection; medical examination; exclusion of evidence.

Justice is the moral value of criminal proceedings.

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

The article analyses the notion of «justice» in the context of the criminal process. Its different aspects are considered. Special attention is paid to justice as moral category. It is concluded that this aspect is notable for higher dynamics that shows itself in constant change of ideas about which moral value underlies the notion of «justice». This makes possible to define justice as socially meaningful accent, which is used by the society to designate a definite moral value, according to which the evaluation is given to the criminal process as a whole, or to criminal proceeding in every particular case.

Keywords: criminal process; justice; morality.

On the Issue about the Subject of the Science of Criminal Procedure.

Aleksandr B. Solovjev – Doctor of Laws, Professor.

The article is devoted to clarifying the notion of subject of the science of criminal procedure, based on the relationship of the latter with the criminal procedure law and the activities of participants in criminal proceedings. Despite the apparent existence of a close relationship and mutual influence of these fundamental legal categories, reflecting the significant properties and relationships of phenomena of reality and their knowledge, over the past few decades the leading part within this triad has been assigned by many academics and practitioners to the criminal procedural law. Even after the adoption of the Code of Criminal Procedure 2001, the need to address this discrepancy has not lost its relevance, because the changes in the legislation have stressed more than earlier, the primacy of the law of criminal procedure. However, while maintaining a certain degree of independent significance by each of the above-mentioned legal categories, there is a more complex interaction between them. The underestimation of the specific role of the science of criminal procedure, particularly in determining the effectiveness of criminal procedural law and law enforcement, as well as in setting out the ways and means for improving them, negatively affects the understanding of the subject, purpose and essence of this science. In the article, the author's definition of the subject of the science of criminal procedure, which is being ambiguously interpreted in the legal literature, is given.

Keywords: criminal procedure law; criminal procedure act; code of criminal procedure; criminal proceedings; participants in criminal proceedings; enforcement activities; effectiveness of law-making and law enforcement activities; subject of the science of criminal procedure.

On the Procedural and Substantive Conditions of Changing Charges by the Public Prosecutor.

Aleksandr A. Tarasov – Doctor of Laws, Professor, Head of the Department of Criminal Law and Criminal Procedure at the Bashkir State University.

Dmitriy A. Chigrin – Fifth Year Student in the Bashkir State University Institute of Law.

The article analyses the theoretical and practical issues associated with procedural and substantive conditions of changing charges by the public prosecutor. The authors conclude that the scope of judicial proceedings is dependent upon the position of the public prosecutor. An opinion is expressed about the need for the modification of charges by public prosecutor to be fixed in writing. The article was prepared taking into account the legal positions expressed in the decisions of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation.

Keywords: changing charges by public prosecutor; scope of judicial proceedings; classification of offence; interrelation between criminal law and criminal procedure.

The Imposition of Criminal Liability through a Special Procedure as a Legal Guarantee of Lawful and Well-Founded Application of Criminal Law Rules.

Andrey P. Filchenko – PhD in Law, Associate Professor, Higher Doctorate Candidate at the Academy of the Russian Federal Penitentiary Service (City of Ryazan).

The article is devoted to justifying the legitimacy of such legal institution as a special procedure of imposing criminal liability on certain categories of citizens. Turning to the history of Russian law, the author finds the roots of this procedure, dating back to the second half of the XIX century, and associates them with the use of the then “administrative guarantee” related to criminal prosecution of some officials.

Exploring the nature of legal inequality of citizens, established by Article 447 of the Criminal Procedure Code of the Russian Federation, the author concludes that it is socially and criminologically conditioned, purely procedural in nature, and therefore is not in contradiction with the basic principles of criminal law. According to the author, the special procedure of imposing criminal liability meets the requirements of justice, as it does not constitute by itself a circumstance negating liability or exempting from it. It is argued that persons subject to this procedure are equal to other citizens in respect of a criminal law’s effects, and, first of all, as to grounds for, limits, and consequences of criminal liability. Enshrining procedural privileges in the Code of Criminal Procedure serves as an additional guarantee of the legality of imposing criminal liability on certain categories of officials. Based on the data of the Supreme Court of the Russian Federation statistical reporting (Form No. 10.4.1), the author, on the example of corruption-related crimes, refutes the common opinion about the negative impact of the special procedure of imposing criminal liability on unavoidability of its occurrence.

In conclusion, the author proposes the concept of special procedure of imposing criminal liability, suggesting seeing it as a step in the process of implementing the criminal law rules, involving the initial criminal law classification of the act.

Keywords: criminal liability; criminal legal relations; principles of criminal law; procedural privileges; legal inequality; rule of law; inevitability of liability; legal guarantees.

The New Code of Criminal Procedure of Ukraine: Authorizing the Public Prosecutor to Be a Supervisor over the Pre-Trial Investigation Procedure.

Vasiliy N. Yurchishin – PhD in Law, Honorary Worker of Public Prosecutions of Ukraine, Associate Professor in the Department of Criminal Law Disciplines at the Chernovitskiy Faculty of the «Odessa Law Academy» National University.

The article discusses the provisions of the new Code of Criminal Procedure of Ukraine concerning the powers of a public prosecutor at the stage of pre-trial investigation; the procurator’s functions at the stage of pre-trial investigation are described in detail. The author highlights certain provisions within the Code that need more precise clarification.

Keywords: criminal proceedings; pre-trial investigation; Code of Criminal Procedure of Ukraine; public prosecutor.

CRIMINOLOGY

Some Aspects of the Criminal Policy in the Field of Preventing Recurrent Crime in the Russian Federation.

Nadezhda A. Krainova – PhD in Law, Associate Professor in the Department of Criminal Law Protection of Economic Relations at Saint-Petersburg State Economic University.

In the article, the author examines the key aspects of the Russian Federation criminal policy in the field of recurrent crime prevention, analyzes the concept of criminal policy in this area, and presents her views in detail of a unified complex system involving a set of measures aimed at reintegrating ex-convicts into society and preventing their reoffending.

Keywords: crime; recurrent crime; criminal policy; resocialization; crime prevention; convict.

Conflicts in the Interpretation of the Notion of «Offender’s Personality» as the Subject and Object of Legal Relations in Domestic Criminology (a 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.

In the article, the author’s own approach is offered to the interpretation of the notion of «offender’s personality», based on the analysis of the subject matter of the study in the context of criminal psychology and criminal law. Taking as basis the presence or absence of personal criminogenic contamination with an individual, the author, for the first time in criminology, examines the dynamics of self-disclosure of their personality to others by intentional and unintentional offenders in criminal legal relationships.

Keywords: criminology; criminogenic contamination; criminogenic personality; criminogenic criminal personality; criminal personality of an offender; personality; offender’s personality; crime.

CRIMINALISTICS

The Compulsion to Testify: A Forensic Analysis of the Elements of a Crime.

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

In the article, from the forensic perspective, the analysis is performed of the system of «disposition of a criminal law rule – motives – methods of implementation» related to one of the most common types of crimes against justice that is a compulsion to testify. The author argues that without revealing its contents, a rational criminal procedural study of this system is impossible in principle.

Keywords: compulsion to testify; disposition of criminal law rule; motives of compulsion to testify; methods of compulsion.

The Investigation of Thefts Using Fake Bank Payment Cards.

Anna A. Lebedeva – PhD in Law, Senior Research Fellow at the All-Russian Scientific Research Institute of the Ministry of Internal Affairs of the Russian Federation

Public danger of thefts using modern information technologies is caused by the following factors: the society’s dependence on information and communication technologies; the ability to commit crimes from remote locations using the Internet, cell phones, and bank cards; the increasing number of companies (particularly in financial sector) and government agencies all around the world linked to each other via the internet. Therefore, the article reflects on the forensic characterization of thefts using fake bank payment cards and the initial investigative actions.

Keywords: theft; swindling; bank plastic cards; investigation; expert examination.

Regularities of Creating Forensically Significant Information about Person’s Appearance.

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

In the article, the author defines the content of each constituent element of the notion of forensic information on the features of person’s appearance, and formulates the regularities of its creation.

Keywords: forensic habitoscopy; forensic information; offender’s appearance.

Criteria for Classification of Tax Evasion Techniques.

Anna G. Filonenko – PhD student in the Department of Justice of the Law Faculty at the Taras Shevchenko Kiev National University.

The article is devoted to the analysis of scientific forensic classification of methods of committing tax crimes. The author focuses on a variety of criteria, which are the basis for the classification of methods of tax evasion. The results of the analysis of empirical material, namely the material of criminal cases related to tax crimes of 2010–2012, are presented, and the current methods of corporate income tax evasion are outlined. The author makes a reasonable conclusion that, while there is a large number of classifications of tax evasion techniques, only those have scientific and practical value that are aimed at improving the work of state bodies involved in detecting and investigating tax crimes.

Keywords: tax crimes; tax evasion techniques; forensic classification.

On the Notion of Cause in Criminal Science.

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

In the article, for the first time the notions of «cause» and «effect» are dealt with in the aspects of criminal science. The interrelation between them is traced. Author's definitions of these notions are given. According to the author, the direct cause of the offence in criminal science should be considered any actions of both the offender and victim, the witness or other persons, associated with the commission of the offence, while the effect would be the reflection of those actions in the surrounding environment.

Keywords: cause; action; omission; crime; effect; physical traces.

The Situational Approach When Forming Tactical Operations.

Viktor M. Shevchuk – PhD in Law, Associate Professor in Criminalistics, Dean of the Military Law Faculty at the «Yaroslav the Wise Law Academy of Ukraine» National University.

The article explores the problems with the situational approach when forming tactical operations in pre-trial proceedings. The investigational situation is seen as a determining factor in developing tactical operations. The influence of the components of investigation situation and their role in constructing tactical operations are analyzed. The possibilities to typify investigation situations at certain stages of investigation and peculiarities of forming standard tactical operations are identified.

Keywords: tactical operation; investigational situation; tactical task; situational approach; formation of tactical operations.

FORENSIC EXPERT EXAMINATIONS

Topical Issues of Forensic Expert Examination of Protected Printed Products.

Aleksandr N. Pershin – PhD in Law, Associate Professor, Higher Doctorate Candidate at Omsk Academy of the MIA of Russia.

The article is devoted to the examination of protected printed products as one of the types of technical expert examination of documents. An expert's technique is provided of how to conduct examination of protected printed products. The tasks of examining protected printed products and problems arising during their solution are also considered. Special attention is paid to the problem of examining forged protected documents when there are no reference samples available for comparison. Alternative solutions to address this problem are suggested. The author also analyses the regulatory and technical documents governing the activity of an expert when examining protected printed products.

Keywords: protected printed products; expert examination; forgery; expert's technique; reference samples for comparison.

LAW ENFORCEMENT AUTHORITIES

[The Institution of Public Prosecution in Latvian Republic: Stricter Supervision and Human Rights Protection Needed.](#)

Jānis D. Zelmenis – Master of Jurisprudence, Master of International Private Law; Partner, Attorney at Law, Head of the office, Attorneys at Law 'VARUL', Riga, Latvia.

The article provides a description of the operation of the Latvian public prosecution system, as well as compares some of its features against the public prosecution system of the Russian Federation. Particularly, the article discusses the public prosecution role within the «checks and balances» system, and mechanisms for supervision over the public prosecution activities in both countries. Moreover, the article describes the important practical problems in the activities of the Latvian public prosecutor's office connected with the international cooperation in criminal proceedings, the publicity of trials, the violation of human rights, and public prosecution responsibility.

Keywords: Latvia; public prosecution; human rights; publicity; public prosecution responsibility; public prosecutor's authorities; public prosecution's status; oligarchs; supervision mechanism.

[To Shoot Or Not To Shoot: Opinions on the Use of Weapons by the Police.](#)

Anatoly K. Kiselev – Doctor of History, Associate Professor, Head of the Department of History and State Law at the North-Caucasian Social Institute.

The article analyzes the experiments carried out by criminologists in the US and European Union to identify the ability of police and civil personnel to determine the extent to which the criminal is being armed in situations where firearms are used.

Keywords: respondents; weapons; police; visibility conditions; victim; suspect; crime scene.

COMPARATIVE JURISPRUDENCE

[The Legal Grounds for Certain Limitations on Lawyer-Client Privilege.](#)

Gediminas Buciunas – Associate Professor in the Department of Public Law at the Vytautas Magnus University Law Faculty; Prosecutor in Organized Crime and Corruption Division at the Kaunas Regional Prosecutor's Office.

The article examines the issues of the limitation of the scope of application of lawyer's professional secrecy in criminal procedure law. It is concluded that the confidentiality of information obtained by lawyer from the defendant in the context of criminal proceedings, or lawyer's duty to confidentiality is not absolute. Confidential information may be disclosed to third parties in exceptional cases on legal grounds, according to the rules contained in international instruments, as well as in national legislations and national legal doctrines.

Keywords: lawyer; lawyer-client privilege; confidentiality.

[The Right of the Defence Lawyer to Collecting Evidence in the Comparative Context of Criminal Procedure Legislations of Azerbaijan and Russia.](#)

Isakhan V. Veliyev – Doctor of Laws, Professor, Head of the Department of Criminal Law and Criminal Procedure at the Azerbaijan National Academy of Science Institute of Philosophy, Sociology and Law.

Based on the comparative analysis of criminal procedure codes of the two Post-Soviet states – the Azerbaijan Republic and the Russian Federation, the article discusses the problem of legal regulation of the right of the defence lawyer to collecting evidence in criminal process. The author classified the solutions, proposed within the doctrine, to the problem of imbalance of

powers between the prosecution and defence as regards to proving process, and additionally he argued the idea of lawyer's investigation in criminal process.

Keywords: criminal justice process; process of proof; adversarial process; balance of possibilities; lawyer investigation.

LEGAL SCIENCE METHODOLOGY

Methodology of Legal Psychology.

Olga D. Sitkovskaya – Doctor of Psychology, Head of the Department of Psychological Support of Prosecution Activities at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation.

The realization of the principle of scientific validity of the law and practice of its application are impossible without achievements of legal psychology. The need to appeal to psychology, its methods and achievements arises when jurisprudence gets involved in solving practical tasks. The necessity to use data of psychological science demands adequate approaches to understanding of its methodology. The methodology of legal psychology includes, first of all, basic ideas, proceeding from which tasks are set and research methods are developed.

The legal psychology, as a branch of psychological knowledge, is inseparably linked with general psychology, which is playing a methodological role, and other branches of the psychological theory, and relies on their achievements. Owing to this fact, the legal psychology is a branch of psychology, and its subject are regularities, mechanisms of psychical activity and behavior of people in the sphere of relations regulated by law. Theoretical and applied nature of legal psychology predetermines that its theoretical part addresses the solution of applied tasks. This factor considerably predetermines the methodology of legal psychology, its connection with other areas of psychological science and series of legal disciplines, and tasks and methods of research applied in legal psychology.

The majority of methods in legal psychology were borrowed from general psychology and various psychological branch disciplines. Besides, there are specific methods for legal psychology. Their specifics are determined by that it explores processes, conditions, and properties, which are significant to criminal law, and therefore registered in a corresponding manner.

This article presents generalized information on the basic provisions of methodology of modern legal psychology.

Keywords: legal psychology; methodology of science; methods of legal psychology.

LEGAL SCIENCE IN PRACTICE

Guaranteeing the Right of the Accused to Subpoena and Examine Witnesses as a Warrant of the Right to a Fair Trial: International Regulation and Practice of the European Court Of Human Rights.

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The right of the accused to subpoena and examine witnesses is set forth in international general and regional instruments ratified by the Russian Federation as a warrant of a fair trial. National courts are bound to apply their provisions in criminal proceedings. Unfortunately, courts do not always take all possible measures to assure the appearance of a witness or take it with negligence and thereby deprive the accused of important means of defense jeopardizing the fairness of a trial. In the article, the author cites data relating to main international general and regional instruments on guarantees of the accused's right to subpoena and examine

witnesses, as well as the results of analysis and generalization of the ECtHR decisions on applications against Russia with allegations of violation of this right. Based on the research conducted, factors that, with due regard for the ECtHR jurisprudence, have to be taken into consideration while ruling on the accused's motions to subpoena and examine witnesses are also singled out.

Keywords: criminal proceedings; subpoena and examination of witnesses; right to a fair trial; Universal Declaration of Human Rights; international treaties; International Pact on Civil and Political Rights; United Nations Human Rights Committee; general remarks; European Convention for the Protection of Human Rights and Fundamental Freedoms; European Court of Human Rights.

[Securing the Appearance of Witnesses in Court \(reflections on the situation that arose in connection with examining the case of the murder of Yuri Budanov\).](#)

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The article analyses the problems in the implementation of the right of the defence to examine the witness who has appeared in court on their initiative.

Keywords: calling of a witness; examination of a witness; right to defence; procedural costs; adversarial process; equality of the parties.

DOCUMENTS

[General Comment No. 32 \(81\) on Article 14 of the International Convention of Civil and Political Rights, adopted by the Human Rights Committee in accordance with paragraph 4 of Article 40 of the Convention.](#)

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