

Criminalist's Library Scientific Journal – Issue 3/2014 :

OPINION

● **Criminal Statute as a Source of Violence.**

Mikhail M. Babayev – Doctor of Legal Sciences (highest research degree in Russia), Professor in the Department of Criminology of the Moscow University of the Ministry of Internal Affairs of Russia.

Yuri E. Pudovochkin – Doctor of Legal Sciences, Professor in the Department of Criminal Law of the Russian Academy of Justice.

In the theory of law a criminal statute is always associated with violence. It is perceived as a legitimate form of legal violence which is used by the state with the permission of the society to maintain public order and security. Immanent properties of the criminal statute should be those making it possible for the society to recognize its power over itself. One of them is clearly designated borders and limits of criminal law intervention in the life of citizens. Beyond these limits the criminal statute turns into its obvious opposite. It becomes not an agent of forceful maintenance of order, but a source of social violence with all negative social, legal, psychological and political consequences that it implies. The article analyses questions connected with the characteristics of the criminal statute as a source of violence.

Keywords: legality; legitimacy; criminal statute; violence; limits of criminal law regulation; social consequences of non-legitimate violence.

DISCUSSION FORUM

● **Wishful Thinking (On Political Fancies in Modern Social Studies and Criminal Law Science).**

Aleksander I. Boiko – Doctor of Legal Sciences, Professor, Head of the Department of Criminal Law Disciplines of the South Russian Institute of Management of the Russian Academy of National Economy and Public Service under the President of the Russian Federation.

Politics is in the epicenter of attention of modern society. Against this background the studies of political roots of government, including those in the sphere of crime control, grow in number. The article is about the naivety of beliefs that the ruling elite will be guided by beautiful scientific programs of governing the country.

Keywords: crime control; ideology; outlook; law; principle; criminal policy; elite.

● **Criminal Code of the Russian Federation: The Twelfth Year of Degradation.**

Alexei G. Kibalnik – Doctor of Legal Sciences, Professor, Head of the Department of Criminal Law and Process of the Institute of Law of the North Caucasian Federal University.

The article is devoted to the analysis of the reform of the Criminal code of the Russian Federation started in 2003. In the opinion of the legislator, the «waves of changes» in the Criminal code of the Russian Federation were motivated by fight against terrorism, extremism, corruption and other kinds of crimes, necessity of humanization (liberalization) of penal legislation. Unfortunately, the changes of the penal legislation made for the sake of achievement of «good intentions», have led to its current degradation, loss of internal consistency, infringement of the basic principles of legality and justice. Today the Criminal code of the Russian Federation needs correcting of serious errors committed in 2003-2013.

Keywords: Criminal code of the Russian Federation; criminal policy; consistency of criminal legislation; criminal legislation principles; criminal legislation reform; crime control purposes.

● **Criminal Law Policy of Modern Russia in the Sphere of Penalization (Depenalization): Carrots or Sticks?**

Aleksander I. Korobeyev – Doctor of Legal Sciences, Professor, Head of the Department of Criminal Law and Criminology of the Far East Federal University.

The author surveys the peculiar feature of the present stage of development of the Russian criminal law policy which consists in mitigating criminal reprisals, restricting the criminal law influence due to various grounds of release from criminal responsibility and punishment established in the law and extensively applied in practice, and also due to decriminalization of socially dangerous acts. In fact depenalization is chosen as the mainstream of criminal law policy.

Keywords: criminal policy; penalization; depenalization.

● **«Fiscal» Function of Criminal Law as a Result of Humanization of the Criminal Policy of the Russian Federation?**

Marina B. Kostrova – Candidate of Legal Sciences (Russian research degree equivalent to PhD), Associate Professor in the Department of Criminal Law and Procedure of the Institute of Law of the Bashkir State University.

The article suggests that the fiscal function has been imposed on the Russian criminal law as a result of the norms of release from criminal responsibility in cases concerning crimes in the sphere of business introduced in 2009 and 2011. From the point of view of the functional purpose of criminal law and tasks of criminal policy it is concluded that embodiment of such idea in the criminal statute is sadly unfortunate.

Keywords: criminal policy; criminal law functions; fiscal function; release from criminal responsibility in cases concerning crimes in the sphere of business.

● **On Criminal Policy and Criminal Statute: Recent Trends (Sad Reflections about Gloomy Matters).**

Natalia A. Lopashenko – Doctor of Legal Sciences, Professor of the Saratov State Law Academy, Director of the Saratov Center for Study of Problems of Organized Crime and Corruption.

The article is devoted to the criminological-political analysis of the situation developed in Russia with reference to criminal policy and criminal statute. The author discusses the study of registration of criminality in the country since 1991 till 2013. He demonstrates sharp discrepancy between registration of crimes and registration of reports, statements of crimes. There are oppositely directed tendencies: the first has been decreasing for about seven years already, the second has been growing. The whole set of federal acts changing the Criminal code of the Russian Federation is also analyzed.

Keywords: criminal policy; criminal statute; criminality registration; criminality decrease; criminalization; penalization; criminal statute change.

● **Legal Uncertainty of Business – Part of the Criminal Policy in Russia?**

Sergey B. Polyakov – Doctor of Legal Sciences, Professor in the Department of Theory and History of State and Law at Perm State National Research University.

Andrey I. Sidorenko – Post-graduate student in the Department of Theory and History of State and Law at Perm State National Research University.

Ekaterina Yu. Nechkina – Legal Adviser of «Monolith» LLC (Perm).

The article reviews the correlation of the concepts: legal policy, criminal policy, law enforcement policy. It is shown as an infringement of the logic of determination of criminal policy and its separate elements (criminal law, criminal procedure policy) leading in the Russian system of law to legal uncertainty of the subjects of business activity interfering with the development of national economy.

Keywords: criminal policy; law enforcement policy; legal uncertainty; economic relations; legality.

● **Don Quixote on the Shield of Modern Criminal Law Policy.**

Boris G. Rozovskiy – Doctor of Legal Sciences, Professor in the Department of Jurisprudence of the Institute of Jurisprudence and International Law at the East Ukrainian National University named after V. Dal (Lugansk, Ukraine).

The concept of criminal law policy has the right to exist when something radically new is brought into it. In the project discussed this is not seen. The author, while not aspiring to improve the policy, suggests to consider some aspects to enhance the legislation.

Keywords: policy; legislation enhancement; law.

● **Basic Tendencies in the Development of the Russian Legislative Criminal Law Counter-Drug Policy.**

Aleksander V. Fedorov – Candidate of Legal Sciences, Professor, Editor-In-Chief of the Narkokontrol (Drug control) magazine.

The article considers some tendencies of the development of the Russian criminal law counter-drug policy, including the tendencies conditioned by its development being influenced by international treaties with the participation of the Russian Federation, and its membership in international organizations, and also tendencies of the development of the legislative criminal law counter-drug policy connected to such its methods, as criminalization, decriminalization, penalization and depenalization, and also conditioned by changes in the situation with drugs.

Keywords: criminal law counter-drug policy; development tendencies; criminalization; decriminalization; penalization; depenalization.

● **Basic Directions of the Development of Russian Criminal Policy in Modern Conditions.**

Valery F. Tsepelev – Doctor of Legal Sciences, Professor in the Department of Criminal Law at Kutafin Moscow State Law University (MSLA).

In modern social, political, economic conditions in which criminality continues to exist and metamorphose, an extremely important role is played by the criminal policy of the Russian state understood as the state strategy of crime control. The given activity is conditioned by many factors and develops under their influence in quite specific directions. The present article is devoted to the analysis of these directions of development of Russian criminal policy.

Keywords: concept of criminal policy; state of criminality; crime control strategy; subjects of criminal policy; criminal legislation; efficiency of crime control.

CRIMINAL LAW

- **Amnesty: Casual Humanism of Criminal Policy.**

Vladimir V. Dubrovin – Candidate of Legal Sciences, Senior Lecturer in the Department of Criminal Law, Criminal Procedure and Criminalistics of Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of Russia.

The article is devoted to the analysis of some aspects of the criminal policy of Russia from the point of view of amnesty application. Attention is drawn to the correlation of amnesty and principles of criminal legislation and the aims of punishment established by the criminal legislation of Russia.

Keywords: criminal policy; criminal law; amnesty; aims of punishment.

- **Subjective Imputation and Its Role in Implementation of Criminal Policy.**

Tatiana S. Kovalenko – Senior Lecturer in the Petropavlovsk-Kamchatsky branch of the Far East Federal University.

The article focuses attention on the acute problem of the current crisis of criminal policy. Today many representatives of the scientific community offer various variants to lead the criminal policy out of the crisis, including such a radical measure as passing a new Criminal code of the Russian Federation. According to the author, modernization of the current criminal statute or creation of a new Criminal Code will require long-needed revision of fundamental positions of the criminal statute and, first of all, the institute of guilt to specify socially significant indicators of intention and neglect. This will allow to create favorable conditions for implementation of the principle of subjective imputation in the Russian Federation as an integral component of criminal law regulation, and also to take another look at the rather doubtful structures such as crimes with two forms of guilt.

Keywords: criminal policy; subjective imputation; guilt; crimes with two forms of guilt.

- **Criminal Policy in the Sphere of Counteraction to Separate Manifestations of Religious Extremism.**

Mikhail M. Lapunin – Candidate of Legal Sciences, Associate Professor in the Department of Criminal Law and Penitentiary Law at Saratov State Law Academy.

The author addresses the question of efficiency of the criminal law policy in the sphere of counteraction to religious extremism in Russia. Positive and negative aspects of introduction of prohibition to insult religious feelings of believers in the criminal statute are considered. Problems of qualification, correlation of criminal and administrative law are touched upon. The author gives his estimation of the legislator's observance of the principles of criminalization at editing article 148 of the Criminal code of the Russian Federation. The question on possible release from criminal responsibility for the crimes provided by article 148 of the Criminal code of Russian Federation is also discussed.

Keywords: criminal policy; counteraction to religious extremism; insult of religious feelings of believers.

- **Repressive Component in the Criminal Policy of Russia.**

Tatiana M. Lopatina – Doctor of Legal Sciences, Associate Professor, Head of the Department of Constitutional Law Disciplines at Smolensk Humanitarian University.

The article presents the author's point of view on the problem of criminal reprisal within the limits of the discussion of the Concept of criminal law policy in the Russian Federation. The practice of application of punishments connected with isolation of the convicts from the society is analyzed. The problems of criminal reprisal from the point of view of law-making and law enforcement are outlined.

Keywords: criminal reprisal; criminal policy; decrease of concentration of criminal reprisal.

- **Criminal Law Policy of Russia and Criminal Responsibility Differentiation.**

Evgenia V. Rogova – Candidate of Legal Sciences, Associate Professor, doctoral candidate in the Department of Criminal Policy and Organization of Prevention of Crimes at the Academy of Management of the Ministry of Internal Affairs of Russia.

The article is devoted to one of the pressing questions of modern criminal law policy – criminal responsibility differentiation. The role of differentiation of criminal responsibility as a method of criminal law policy is determined. The current state of criminal legislation is analyzed, the problem questions connected to categorization of crimes are outlined, the same as those of designing sanctions of the articles of the Special part of the Criminal code of the Russian Federation. The necessity of legislative establishment of the category of «criminal offence» is proved. The author suggests to discuss rules to construct sanctions. In the conclusion of the article some ideas of development of criminal legislation in the sphere of differentiation of criminal responsibility are stated.

Keywords: criminal law policy; criminal responsibility differentiation; means of differentiation of criminal responsibility

- **On the Question of Basic Directions of the Criminal Policy in the Sphere of Protection of the Person.**

Elina L. Sidorenko – Doctor of Legal Sciences, Associate Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of Russia.

The author presents a new view on the system of criminal law protection of the person. Special attention is given to the search of priority directions of criminal policy, development of optimum models of criminalization of acts and differentiation of responsibility for crimes against the person and to the justification of the necessity of reforming the legislation on the basis of the Concept of criminal policy developed by expert community.

Keywords: criminal policy; protection of the person; criminal responsibility; criminalization; responsibility differentiation; harm compensation.

- **Tendencies of Criminal Policy in the Regulation of the Rules of Territorial Application of the Criminal Statute.**

Aleksandra I. Frolova – Candidate of Legal Sciences, Assistant in the Department of Criminal Law and Procedure of the Bashkir State University Institute of Law.

The article is devoted to the study of implementation of criminal policy purposes in the sphere of normative regulation of such core criminal law institution, as territorial application of the criminal statute. The author analyzes the rules of territorial action of the criminal statute contained in art. 11 and 12 of the Criminal code of the Russian Federation and shows disadvantages of their legislative regulation. In the findings the author justifies his conclusion that individual disadvantages of formulating the territorial rules of action of the criminal statute in the text of the Criminal code of the Russian Federation are caused by the general negative tendencies of legal regulation in the field. The way out from the current situation is seen by the author in a radical shift of the criminal policy in regulating the rules of territorial application of the criminal statute.

Keywords: territorial application of the criminal statute; criminal policy; jurisdiction; international law.

- **Criminal Law Definition of the «Official» and Problems of Its Improvement in the Context of Understanding of Public Activity.**

Elizaveta Yu. Chetvertakova – Candidate of Legal Sciences, Associate Professor, Leading Researcher of the Scientific Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation.

The problem of improvement of the criminal and legal concept of «public official» taking into account conventional definitions and foreign experience is considered in the article. The author makes a conclusion that signs of the subject of a crime of official in the international documents and the legislation of the majority of foreign countries reveal through public nature of activity of the person. Stating lack of legal interpretation of a sign of publicity, the author pays special attention to the publicity analysis in the general theory of the right and the criminal legal doctrine. In the publication the maintenance of public interest and value of a public component in activity of various persons of law is analyzed.

Keywords: Subject of a crime of official; public official person; public interest.

CRIMINAL PROCEDURE

- **Problems of Application of the Institution of Termination of a Criminal Case Due to Conciliation of the Parties.**

Elena A. Artamonova – Candidate of Legal Sciences, Associate Professor in the Department of Criminal Law and Criminal Procedure of the North Caucasian Federal University.

The article is devoted to some problems of application of the institution of criminal case termination due to conciliation of the parties. In particular, the basic conditions allowing to make the decision on the criminal case termination in connection with conciliation of the parties are shown, the question of initiation of application of the given institution is considered, a new wording of Art. 25 of the Criminal Procedure Code of the Russian Federation is suggested.

Keywords: conciliation of the parties; criminal case termination; conditions for termination of a criminal case; making up the damage caused by the crime.

- **Some Problems of Russian Criminal Policy.**

Lyudmila M. Volodina – Doctor of Legal Sciences, Professor in the Department of Criminal Procedure Law at Kutafin Moscow State Law University (MSLA).

The author surveys some historical preconditions of the development of criminal policy as a government line of activity in the crime control sphere. The article gives a critical analysis of substantive provisions of the draft Concept of criminal law policy of the Russian Federation presented by the Public Chamber of the

Russian Federation. The article established the necessity of development of an integrated government program aimed at creation of an effective mechanism of counteraction of criminality.

Keywords: criminal policy; criminal law; criminal trial; crime control; security; protection of human rights.

• **Criminal Policy of Russia: Scientific and Legislative Myths and Realities of Law Enforcement.**

Boris Ya. Gavrilov – Doctor of Legal Sciences, Professor, Head of the Department of Management of Crime Investigation Bodies at the Academy of Management of the Ministry of Internal Affairs of Russia.

The article studies some problems of criminal policy which, according to the author, will allow both to the representatives of scientific community and practicing lawyers to suggest specific measures for enhancing criminal policy and its components, one of the directions of which is crime control.

Keywords: criminal policy; criminal procedure; crime control.

• **Analysis and Estimation of the Modern Criminal Policy in the Mechanism of Functioning of Persons and Organizations – Victims of Crimes, as Participants of Criminal Trial.**

Kirill V. Kamchatov – Candidate of Legal Sciences, Leading Researcher in the Scientific Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

The article is devoted to a short generalized study of the modern legal status of the crime victim and the characteristics of the criminal policy in the given sphere. Taking into account the latest law enforcement practice the author analyses the changes introduced in the criminal procedure legislation and gives an estimation of their efficiency. Legal policy in the sphere of development of the rights of the victim is viewed in the article as a component of the mechanism of his/its functioning as a participant of criminal procedure.

Keywords: criminal policy; crime victim; summary investigation; minor victim.

• **Transformation of the System of Criminal Trial in Justice Courts of Russia in the Light of the Modern Criminal Policy of the State.**

Elena L. Kombarova – Candidate of Legal Sciences, Senior Lecturer in the Department of Criminal Procedure Law at the Russian Academy Of Justice.

The article analyses the basic tendencies of some components of criminal policy. Suggestions are proposed aimed at optimization of the system of principles of the Russian criminal procedure within the framework of the basic directions and tendencies of criminal policy. Recommendations are given for improvement of criminal proceedings when considering crimes of lesser severity from the point of view of differentiation of the criminal procedure form. The author has developed an original system of criminal trial in the justice courts of the Russian Federation promoting most effective realization of one of the primary goals of criminal justice - protection of the rights and freedoms of citizens.

Keywords: criminal policy; criminal procedure policy; criminal procedure form; criminal trial system in justice courts.

• **Forecasting, Revealing, Elimination and Prevention of Errors in Criminal Trial: A Criminal-Political Approach.**

Aleksander D. Nazarov – Candidate of Legal Sciences, Associate Professor, Head of the Department of Criminal Procedure at the Siberian Federal University.

The article is devoted to forecasting, revealing, elimination and prevention of investigatory and trial errors in the context of the strategies of control over criminality and due justice.

Keywords: investigatory and trial errors; criminal policy; forecasting, revealing, elimination and prevention of errors.

• **On the Question of Some Tendencies in the Development of the Criminal Procedure Policy: Marginal Notes.**

Irina G. Smirnova – Doctor of Legal Sciences, Associate Professor, Head of the Department of Criminalistics and Judicial Examinations at Baikal State University of Economics and Law.

The article suggests an estimation of the modern criminal procedure policy where the author allocates two basic groups of tendencies: tendencies of external character in relation to the criminal trial and tendencies characterizing intermediate and final results of criminal case proceedings. The role of the Constitutional Court of the Russian Federation in determining the direction of development of the criminal procedure policy is estimated.

Keywords: criminal trial; criminal procedure policy; efficiency; Constitutional Court of the Russian Federation.

• **Modern Criminal Policy and Criminal Procedure: Strategic Approach and Its Realization.**

Nikolai G. Stoiko – Doctor of Legal Sciences, Professor in the Department of Criminal Procedure and Criminalistics at St.-Petersburg State University.

The article is devoted to the general questions of criminal policy in the field of criminal procedure. The author shows the value of a strategic approach for criminal procedure. It is concluded that development of the Russian criminal procedure should be performed taking into account six basic strategies: (1) protection of the rights and freedoms of the accused, (2) criminal prosecution, (3) social support of the accused, (4) social support of the victim, (5) provision of rationality and efficiency of criminal trial, (6) conciliations.

Keywords: criminal policy; criminal procedure; development strategy.

- **Directions of Informatization of Criminal Procedure in the Russian Federation.**

Adel I. Haliullin – Research Fellow at the Scientific Research Institute of the Prosecutor General's Office of the Russian Federation.

The article considers modern tendencies of involving information technologies in the criminal procedure of the Russian Federation. Suggestions are made to change the legislation with a view of optimization of investigation of crimes.

Keywords: criminal procedure; information technologies.

CRIMINOLOGY

- **Anticriminal Policy: Optimization or Radicalization?**

Vitaly A. Nomokonov – Doctor of Legal Sciences, Professor in the Department of Criminal Law and Criminology at the Far East Federal University.

The article argues that there is no real anticriminal policy in the crime control sphere in Russia. The draft Concept of the criminal law policy is discussed. Suggestions are made for radicalization of criminal law measures to fight against organized crime and corruption.

Keywords: anticriminal policy; concept of criminal law policy; organized crime; corruption.

CRIMINALISTICS

- **On The Content of the Operational Investigation Policy.**

Sergey I. Zahartsev – Doctor of Legal Sciences.

The article is devoted to the study of the operational investigation policy. The author considers the operational investigation policy as part of the criminal policy entering the legal policy of Russia, and also as an independent part of domestic and foreign policy of the country.

Keywords: policy; operational investigation activity; operational investigation policy.

- **Modern Possibilities to Use Automated Dactyloscopic Information Systems for Optimization of Criminal Policy.**

Inna V. Rumiantseva – Candidate of Legal Sciences, Associate Professor in the Department of Criminal Law Disciplines at Kaliningrad Border Service Institute of the Federal Security Service of Russia.

Oleg N. Kostovsky – Senior Lecturer in the Department of Criminal Law Disciplines at Kaliningrad Border Service Institute of the Federal Security Service of Russia.

The article attempts to analyze the basic directions of criminal policy and treat its various aspects and methods of optimization with the help of automated dactyloscopic information systems (ADIS). Arguments are given for the expediency of a repressive approach to implementation of criminal policy at its general conformity to international standards, which is explained by the necessity of support and enhancement of the activity aimed at detection, prevention, suppression, disclosing and investigation of criminality in the Russian Federation. ADIS application is shown as one of the kinds of modern information technologies which can contribute to criminality counteraction.

Keywords: criminal policy; automated dactyloscopic information systems; dactyloscopic information; registration; accounting.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

- **On the Question of Introduction into Effect of the Criminal Code and the Criminal Procedure Code of the Russian Federation in the Republic Of Crimea and the City Of Sevastopol: Problems, Applicable Experience and Possible Solutions**

Aleksander G. Volevodz – Doctor of Legal Sciences, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics of Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of Russia.

Ekaterina A. Kopylova – Bachelor of Jurisprudence, Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of Russia, Candidate for a master's degree at the

Department of Law of the Leiden University (Netherlands), Probationer at the Legal Department of the Bureau of the Public Prosecutor of the International Criminal Court (Netherlands).

As of 18 March 2014 the Republic of Crimea and the federal city of Sebastopol are the two new subjects of the Russian Federation which used to be under the sovereignty of the Ukraine. Their integration into the criminal law system of the Russian Federation will necessarily be preceded by a transitory period based on the coexistence of the dominant Russian laws and regulations and residual Ukrainian criminal legislation. The authors suggest a transitory framework respective of the foreign historical precedents, peculiarities of the Russian legal system and criminal law principles. Hopefully, this framework will receive attention on the part of the law-makers.

Keywords: criminal policy; the Republic of Crimea; federal city of Sebastopol; Russian Criminal Code; Russian Code of Criminal Procedure; change of state sovereignty over a territory; principle of temporary coexistence of criminal laws; application of criminal law; legal regulation.

● **International Cooperation in Crime Control as a Direction Of Criminal Policy.**

Elena V. Popadenko – Candidate of Legal Sciences, Associate Professor in the Department of Criminal Law at Vologda State Pedagogical University.

The article uses the example of the criminal policy of Russia to consider some directions of international cooperation of states in crime control. The conclusion substantiated is that international cooperation in crime control is a special direction of criminal policy.

Keywords: international cooperation in crime control; criminal policy.

COMPARATIVE JURISPRUDENCE

● **Comparative Jurisprudence as the Methodological Basis of Criminal Policy in the Lawmaking Sphere.**

Aleksey A. Malinovsky – Doctor of Legal Sciences, Professor, Head of the Department of Criminal Law, Criminal Procedure and Criminalistics of Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of Russia.

The Russian criminal policy in the lawmaking sphere should have a firm methodological base. One of the basic directions of criminal policy is further modernization of the Criminal code of the Russian Federation which is to be performed, mainly, by means of the comparative jurisprudence methodology. The article discusses separate aspects of possible use of the results of comparative legal studies for enhancement of the domestic criminal statute.

Keywords: comparative jurisprudence; law enhancement.

● **Considering the Experience of Assignment of Punishments in the USA for Optimization of the Russian Criminal Policy.**

Viktor V. Filippov – Candidate of Legal Sciences, Associate Professor in the Department of Constitutional and Administrative Law at the Far East Institute of Management – branch of the Russian Academy of National Economy and Public Service under the President of the Russian Federation.

The article is devoted to the mechanism of assignment of punishments by the federal courts of the USA, connected with unification and structuring of the circumstances influencing the kind and measure of punishment. The author gives a description of the principles underlying the sentence or another judgment applied by federal courts for treating a wide range of crimes. The given principles allow to eliminate as much as possible the influence of subjective factors on judges and jurymen and determine the punishment applied to the person found guilty solely on the basis of the circumstances concerning him\her and the crime committed, including the gravity of the crime, presence of previous convictions, method of the crime execution, initiation and provoking of the offence by the victim.

Keywords: assignment of punishments in the USA; grave and especially grave crimes; previous conviction; table of sentences; table of calculation of penalties; summing up coefficient.

FROM LEGAL SCIENCE TO PRACTICE

● **Development of Regional Programs as a Method of Implementation of the Criminal Law Policy.**

Yuri I. Duk – Candidate of Legal Sciences, Associate Professor, Head of the Department of Criminal Procedure and Criminalistics at Yelets State University named after I.A. Bunin.

The article is devoted to the development of regional programs of crime prevention and control, studying the questions of development and forming of measures to counteract criminality, sources of their financing and influence on the level and dynamics of criminality in the region.

Keywords: criminal policy; criminality prevention; regional programs.

JUDICIAL STATISTICS

- **Tendencies of Criminal Law Policy on the Basis of the Analysis Of Assignment of Imprisonment Terms Depending on the Category of Crimes.**

Denis A. Garbatovich – Candidate of Legal Sciences, Associate Professor, Dean of the Law Faculty of the Russian Academy of Education University Chelyabinsk branch.

Analysis of the court practice at assignment of specific terms of imprisonment allows to draw the conclusion on toughening or softening of the criminal law policy, increase or decrease of its criminal law reprisal aspect. The author finds that, as a whole, criminal law policy is aimed at humanization of criminal law reprisals. Nevertheless, in the law enforcement activity there were temporary periods characterizing the toughening of its retaliatory potential that evidences contradictoriness of the policy pursued by the state.

Keywords: criminal law policy; criminal sanction; imprisonment; categories of crimes.

HISTORY OF LEGAL SCIENCE

- **Resocialization of the Condemned to Imprisonment in the History of the Domestic Penal System.**

Lyudmila A. Latysheva – PhD student in the Department of Criminal Law and Criminology at Vologda Institute of Law and Economics of the Federal Service for Execution of Punishment of Russia.

The article studies the questions of evolution of the aims and purposes of criminal punishment which can be achieved in the course of imprisonment. A correlation between the penalty (punishment) as a means of correcting the condemned on the one hand and social-preventive work on the other is found. The conclusion substantiated speaks about the priority of resocialization, performed both in the course of imprisonment and upon the termination of execution of the criminal sanction.

Keywords: criminal execution system of Russia; resocialization of the condemned; criminal responsibility; aims and purposes of punishment.