

OPINION

• **Investigating judge as a «weak link» of criminal procedural proving.**

Yury P. Borulenkov – PhD in Law, Associate Professor, Prorector at the Academy of the Investigative Committee of the Russian Federation.

In this article, the author considers the topical issues of reforming the pre-trial proceedings in criminal cases. It is proposed to approach carefully any radical proposals on elimination of preliminary investigation. It is noted that an isolated reform of one link in the criminal legal proceedings system cannot lead to any positive results. It is underlined that from the point of view of the criminal procedural knowledge, the investigating judge, in the concept of reorganization of pre-trial proceedings by Professor A. V. Smirnov, is a «weak link» because he/she has no actual means to perform the cognitive function.

Keywords: legal knowledge; pre-trial proceedings in criminal cases; preliminary investigation; investigating judge.

• **Improvement of pre-trial proceedings as an element of the criminal legal policy.**

Valery N. Karagodin – Doctor of Laws, Professor, Deputy Director- Dean of the Second faculty for Professional Development of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (Yekaterinburg branch).

The article discusses the problems of reorganization of preliminary investigation authorities as a means for improving quality of criminal proceedings at pretrial stages. The author analyzes the likely outcomes of proposals for a radical reform of the procedure of preliminary investigation which embraces changes in the procedure of initiation of criminal proceedings, bringing the alleged culprits to criminal liability, and transfer of authority for pretrial proceedings to investigating judges. When exploring also other opinions on the ways and means for improving pre-trial proceedings, the author shapes his own conclusions and proposals on improving the quality and delivery of these stages of criminal proceedings.

Keywords: criminal legal policy; criminal proceedings; preliminary investigation; investigating judge.

DISCUSSION PLATFORM (previous material revisited)

• **Dialectical logic and criminal proceedings: adversarial proceedings and objectively true proceedings.**

Gennady A. Pechnikov – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Procedure at Volgograd Academy of the Ministry of Internal Affairs of Russia.

Aleksandr P. Blinkov – Assistant Head of Volgograd Academy of the Ministry of Internal Affairs of Russia (on International Relations).

The article draws attention to the need to take into account the effect of universal dialectical-cum-materialist laws as a truly scientific approach in theory and in practice. Criminal proceedings cannot be perfect if they do not accept dialectics, the law of the unity and struggle of opposites. Development of knowledge in criminal proceedings should be carried out dialectically: from ignorance to knowledge, from the subjective to the objective, from probability to certainty, from a version to objective truth. However, the Criminal Procedural Code of the Russian Federation currently in effect reduces everything to adversarial, win-lose confrontation of the parties of prosecution and defense for winning the case in their favor, rather than perceives the proceedings as a dialectical process of objective cognition. Instead of cognitive essence of criminal proceedings, we have the «power» essence: might makes right. Hence, it is necessary to clearly distinguish between two fundamentally different types of criminal proceedings: objectively true proceedings and adversarial (win-lose) proceedings. Without objective truth, criminal proceedings are inevitably formalized and simplified, "plea-bargaining arrangements" assume crucial significance in it.

Keywords: materialist dialectics; dialectical opposites; objectively true type of criminal proceedings; adversarial (win-lose) type of criminal proceedings; adversarial nature of judicial proceedings; objective truth; technical-cum-legalistic truth.

● **Objective truth is not a companion of presumption of guilt in the criminal proceedings.**

Vladimir G. Ulyanov – Doctor of Laws, Professor in the Department of Criminal Procedure at Kuban State University.

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The article proposes to return the objective truth to the current criminal procedural legislation. Unlike the 1960 Criminal Procedural Code of the Russian Soviet Federative Socialist Republic, the authors perceive objective truth as a goal rather than the "through" principle of criminal proceedings. Legal succession of objective truth, rooted in the period of the 1864 Russian judicial reform, is noted. A more active role of the court in its determination in the case for passing the fair, lawful and reasonable judgments is substantiated. The article denies existence of any contradiction between the adversarial principle and objective truth.

Keywords: objective truth; adversarial nature of judicial proceedings; powers of the court; goal of criminal proceedings; the 1864 Russian judicial reform.

CRIMINAL LAW

● **On the concept and types of circumstances which exclude criminal responsibility of medical workers.**

Ashot L. Abramov – PhD Student in the Department of Criminal Law at Moscow State University of Mechanical Engineering.

The article is devoted to definition of the notion of circumstances precluding criminal responsibility of medical workers, the issue unexplored in the theory of criminal law. Types of such circumstances are analyzed separately. The article is written on the basis of the Russian legislation currently in effect and scientific papers in law. According to the author, the circumstances which exclude criminal responsibility of medical workers should mean the statutory grounds for obligatory and unconditional criminal non-prosecution of medical worker who has caused harm to relationships protected by criminal law in connection with exercise of medical activities. The author proposes to include the following into the types of such circumstances: faultless infliction of harm (the Article 28 of the Criminal Code of the Russian Federation), extreme necessity (the Article 39 of the Criminal Code of the Russian Federation), reasonable risk (the Article 41 of the Criminal Code of the Russian Federation) and enforcement of the law. The article is intended for students, postgraduates, teachers, employees of law enforcement authorities, practicing lawyers and all those interested in the problems of the relevant topics.

Keywords: criminal law; criminal responsibility; circumstances which exclude criminal responsibility; medical activities.

● **Definition of the subject of malfeasance in office needs to be improved.**

Vasily V. Veklenko – Doctor of Laws, Professor, Deputy Head of academy on scientific work at Omsk Academy of the MIA of Russia, Honored Lawyer of the Russian Federation.

Victor N. Borkov – PhD in Law, Associate Professor in the Department of Criminal Law at the Omsk Academy of the Ministry of Internal Affairs of the Russian Federation.

The article substantiates the need to update the definition of the subject of malfeasance in office in accordance with criminological realities, government-cum-political realities and socio-economic realities. Relation of the person to the exercise of public functions can serve as the main criterion for recognizing such person as a possible subject of malfeasance in office. Direct exercise of public functions or facilitation of their exercise characterizes the officer in the conditions of any political regime and in any system of organization of economy.

Keywords: officer; exercise of public functions; organizational/management authority; registration-cum-expert authority.

● **Conviction under criminal legislation currently in effect: problems of enforcement, loopholes in the law and possible ways of their elimination.**

Viktor S. Karpov – PhD in Law, Associate Professor, Senior Assistant Attorney in the East-Siberian Transport Prosecutor's Office.

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

The article considers the matters associated with legal regulation of such concept of criminal law as criminal record (conviction). It is noted that in law enforcement practice, many questions arise associated with problems of enforcement of the Article 86 of the Criminal Code of the Russian Federation, which is evidenced by numerous appeals of persons to the Constitutional Court of the Russian Federation. In particular, the wording of the Section 6 of the Article 86 of the Criminal Code of the Russian Federation is far from perfect and the most disputable, and it causes a considerable number of substantiated criticisms. Another, not insignificant aspect for which the presence or absence of criminal record is of paramount importance, is repetition of crime. In this connection, the article draws attention to the imperfection of the current wording of the Article 18 of the Criminal Code of the Russian Federation. The conclusions of the publication state some proposals for improving the provisions of the criminal law currently in effect, in particular, the Article 18 of the Criminal Code of the Russian Federation, the part 2 of the Article 47 of the Criminal Code of the Russian Federation, the Article 84 of the Criminal Code of the Russian Federation, and the part 3 and the part 6 of the Article 86 of the Criminal Code of the Russian Federation.

Keywords: criminal record; repetition of crime; imposition of punishment; amnesty; criminal legal consequences.

• **Some problems of understanding and application of compulsory medical measures.**

Alexey G. Kibalnik – Doctor of Law, Professor, Head of the Department of Criminal Law and Procedure of the Law Institute at the North-Caucasian Federal University.

The article is devoted to the problems of theoretical understanding of compulsory measures of medical nature and, to difficulties of their practical application. The author emphasizes the importance of injunctions of the resolution of Plenum of the Supreme Court of the Russian Federation, No. 6 dated 7 April 2011. However, the Federal Laws No. 140-FZ dated 29 February 2012, and No. 317-FZ dated 25 November 2013 demanded rethinking many of provisions of this criminal legal concept. In particular, substantial changes were made to the types of compulsory measures of medical nature and the grounds for their application (including the possibility to impose them on the persons suffering pedophilia). The article uses new achievements of the Russian criminal legal doctrine, formulated in special dissertation researches.

Keywords: Criminal Code of the Russian Federation; compulsory measures of medical nature; doctrine of criminal law; court practice; Plenum of the Supreme Court of the Russian Federation.

• **Some procedural problems of «criminal prosecution» as an element of the objective aspect of the crime envisaged by the Article 299 of the Criminal Code of the Russian Federation.**

Vladislav L. Kudryavtsev – Doctor of Laws, Leading Researcher in the Research Center at Moscow Academy of Economics and Law.

The article reveals the concept of «criminal prosecution» as an element of the objective aspect of the crime envisaged by the Article 299 of the Criminal Code of the Russian Federation. For this purpose, the article studies the relationship of «criminal prosecution» with such categories as: involvement as the accused, criminal prosecution, initiation of criminal case, coming of a guilty verdict into legal force.

Keywords: crimes against justice; criminal prosecution of a person known to be innocent; criminal prosecution; involvement as the accused; criminal proceedings; initiation of criminal case; coming of a guilty verdict into legal force.

• **Non-compulsory measures of medical nature: concept and the circle of persons.**

Sergey A. Ogurtsov – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at the Russian Law Academy of the Russian Federation Ministry of Justice.

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The article is devoted to non-compulsory measures of medical nature which are stipulated by the Chapter 15 of the Criminal Code of the Russian Federation and by the Federal Law «On foundations of the system of prevention of neglect of under-age persons and offenses committed by under-age persons». The foundation of separation of non-compulsory measures of medical nature is based on the principle of acceptance of informed consent to delivery of medical aid. In this connection, the author proposes to introduce into criminal law some amendments and to bring it into line with provisions of national legislation and international law.

Keywords: measures of medical nature; compulsory supervision of a clinical psychiatrist on an outpatient basis.

- **Specific features of initiation of criminal cases of mass unrest.**

Anatoliy M. Bagmet – PhD in Law, Acting Rector at the Academy of the Investigative Committee of the Russian Federation.

The article discloses the procedure for receipt and registration of reports about mass unrest, the specific features of checking such reports, and the causes and grounds for initiation of criminal cases of mass unrest. Specific features are considered of subsumption, of identification of investigative jurisdiction of the crimes committed in the course of mass unrest, as well as of specific features of pronouncement of a ruling on initiation of a criminal case.

Keywords: mass unrest; criminal case; initiation of criminal case; checks of reports of crimes; causes for initiation of a criminal case; grounds for initiation of a criminal case; subsumption; investigative jurisdiction; ruling on initiation of a criminal case.

- **On some criminal procedural rules that limit the implementation of the principle of judicial independence.**

Irek A. Gizatullin – 5th-year student of the Institute of Law at the Bashkir State University.

This article examines some criminal procedural concepts (the special procedure for court proceedings, refusal of the public prosecutor from prosecution, etc.) from the point of view of their possession of rules which are not fully consistent with the principle of judicial independence, and the author proves that its realization in modern conditions requires additional procedural safeguards.

Keywords: principle of judicial independence; administration of justice in criminal cases; special procedure for court proceedings; refusal of the prosecutor from prosecution; single-member- and collegial structure of the court; return of criminal case to the Prosecutor.

- **Problems of crime prevention by courts.**

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

The article considers the basic problems of prevention of crimes by courts, the problems associated with the lack of proper legal regulation of such prevention, as well as the statistical indicators of its effectiveness. On the basis of analysis of criminal procedural legislation of the Soviet era and the current legislative acts which regulate the matters of prevention of crimes and offences, as well as the judicial practice, the author comes to a conclusion about the necessity of intense upgrade of both the legal framework of preventive activities of the courts and the indicators of statistical reporting in this area. In the opinion of the author, that would remove a number of problems which hinder the effectiveness of the prevention of crimes by courts in general.

Keywords: criminal legal procedures; crime prevention; prevention of crimes by courts.

- **Redress of infringed labor rights of rehabilitated persons in criminal procedure of Russia.**

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

The article is devoted to analysis of the legislation which governs the redress of labor rights, pension rights, housing rights and other rights within the framework of rehabilitation in the criminal procedure of Russia. Attention is drawn to the shortcomings of the current legal regulation of rehabilitation, due to the lack of legal opportunities for the redress of labor rights in full scope.

Keywords: criminal procedure; rehabilitation; redress of labor rights; Criminal Procedural Code.

- **Appeal of intermediate judgments in criminal cases.**

Elena V. Ezhova – PhD in Law, Associate Professor in the Department of Criminal Law and Procedure of the Institute of Law at the Bashkir State University.

The article considers the specific features of appeal of intermediate judgments in criminal cases. The author proposes a classification of intermediate judgments, depending on the point in the criminal proceedings at which they can be appealed.

Keywords: intermediate judgment; Criminal Procedural Code of the Russian Federation; court; appeal proceedings.

● **Prospects of legal regulation of operational and search activities.**

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».

This article considers the most relevant areas of further development of legal regulation of the operational and search activities. In particular, the following has been considered: secrecy in operational and search activities, changes in the number of statutory operational and search measures, regulations in the Criminal Procedural Code of the procedure for use of the results of operational and search activities and changes in the number of authorities involved in the operational and search activities.

Keywords: operational and search activities; legal regulation.

● **Notion of unilateralism, incompleteness and partiality of preliminary investigation of crimes.**

Elena I. Komarova – PhD in Law, Associate Professor in the Department of Criminalistics of the Law Faculty at Lomonosov Moscow State University.

The article provides a consistent analysis of the matters associated with scientific and practical approaches to the concepts of unilateralism, incompleteness and partiality of preliminary investigation of crimes. The author's analysis of the problem is given and, a well-reasoned position is proposed in respect of the modern definition of the said concepts.

Keywords: unilateralism; incompleteness and partiality of preliminary investigation.

● **«Asymmetry» in assessing the admissibility of evidence remains relevant.**

Natalia V. Kostovskaya – PhD in Law, Associate Professor in the Department of Forensic Activity at Ural State Law University.

The article analyzes the issues of assessment of evidence obtained by the prosecutor party in violation of requirements of the criminal procedural law, as well as the possibility of using it in the process of proving. The author substantiates the necessity of recognizing such evidence as admissible, including that from the point of view of the exercise of the accused's right of defense.

Keywords: assessment of evidence; admissibility of evidence; asymmetry; the right of the accused to defense; adversarial nature of judicial proceedings between parties.

● **Specific features and ways of optimization of proving in case of inquiry in abbreviated form.**

Oksana V. Michurina – Doctor of Laws, Professor in the Department of Criminal Procedure at Moscow University of the MIA of Russia named after V.Ya. Kikot.

Olga V. Khimicheva – Doctor of Laws, Professor, Head of the Department of Criminal Procedure at Moscow University of the MIA of Russia named after V.Ya. Kikot.

Within the framework of the Russian legal reform, optimization of proving and the subsequent enforcement of law are acquiring particular importance because they provide a real opportunity for protection of rights and lawful interests of individuals in criminal proceedings. Proving is a complex and continuous process, covering all stages of criminal proceedings. In each of its stages, it has its own specific features due to the procedural form. The article has comprehensively studied the specific features of proving in respect of one of such procedures for pre-judicial proceedings in criminal cases, namely, enquiry in abbreviated form. The imperfections and gaps have been disclosed, provisions have been developed that are aimed at improving its effectiveness. Also, suggestions have been formulated for improving the legislation and the practical application. Special attention is paid to disputable issues, and the ways and methods for resolving them are proposed.

Keywords: preliminary investigation; enquiry in abbreviated form; proving in case of enquiry in abbreviated form; collection, verification and assessment of proof.

● **Purpose of criminal procedure (goal or objectives): scientific views of the problem.**

Yury G. Ovchinnikov – PhD in Law, Associate Professor in the Department of Criminal Procedure of Vladivostok branch of the Far Eastern Institute of Law of the Ministry of Internal Affairs of Russia.

The article has a particular focus on correlation between legal categories in the criminal procedure, such as «purpose», «objective», «goal». The author comes to the conclusion that it is just the goal of criminal proceedings that has been concentrated in the Article 6 of the Criminal Procedural Code of the Russian Federation.

Keywords: purpose of criminal proceedings; goal; objectives; protection of rights and lawful interests of individuals.

● **Problems of ensuring the uniformity of court practice and the legitimacy by the presidium of the Supreme Court of the Russian Federation.**

Aleksandr M. Panokin – PhD in Law, Senior Lecturer in the Department of Criminal Procedure at Kutafin Moscow State Law University.

The article studies the relevant problems of ensuring the uniformity of court practice and legitimacy by the Presidium of the Supreme Court of the Russian Federation. The article reveals the reasons for which the maintenance of such uniformity seems to be difficult of accomplishment. The author studies the supervisory powers of the Presidium of the Supreme Court of the Russian Federation. The author identifies the specific features of supervisory procedure in criminal, civil and arbitration proceedings. The article also studies the genesis of supervisory grounds and their relationship with appeal grounds and cassation grounds in criminal, civil and arbitration proceedings, as well as the assessment of effectiveness of supervisory procedures by the European Court of Human Rights. Possible options are proposed for development of supervisory grounds in criminal legal proceedings by means of establishing the criteria of discretion, similar to those enshrined in the Civil Procedural Code of the Russian Federation and Administrative Procedural Code of the Russian Federation, as well as elimination of duplication with the cassation grounds.

Keywords: criminal legal proceedings; civil legal proceedings; arbitration legal proceedings; judicial system; uniformity of proceedings; appeal proceedings; cassation proceedings; supervisory proceedings; Supreme Court of the Russian Federation; European Court of Human Rights.

● **Dissenting opinion of a judge in a criminal case.**

Irina P. Popova – Senior Lecturer in the Department of Criminal Procedure and Prosecutorial Oversight at the Baikal State University of Economics and Law.

The article presents the main points of view on some problems associated with statement of the sentence made by the collegial court, and the possibility of announcing a dissenting opinion of a judge in the court hearing, during the statement of the sentence. Provisions of the legislation currently in effect are given and, their analysis is provided in comparison with the provisions which regulated similar matters in the 1864 Regulations of Criminal Proceedings. Data of a survey of judges are provided and changes are proposed to the criminal procedural legislation, on dissenting opinions of judges.

Keywords: sentence; secrecy of the meeting of judges; dissenting opinion; proclamation of the sentence; criminal procedures.

● **Using the results of «non-verbal» operative and search activities in the proving under a criminal case is an objective necessity.**

Sergey B. Rossinskiy – PhD in Law, Associate Professor in the Department of Criminal Procedure at Kutafin Moscow State Law University.

This article once again raises the question of the possibility of using in criminal proceedings the results of operative and search activities. Analyzing the provisions of the current legislation, the scientific positions on this problem, as well as the current law enforcement practices, the author comes to a conclusion of the objective necessity for immediate use, in the process of proving, the results of «non-verbal» operative and search activities without giving them some imaginary procedural form. In this connection, it is proposed to make a number of amendments to the criminal procedural legislation and, the trends are outlined that are aimed at reforming the legislation on operative and search activities.

Keywords: proof; proving; operative and search activities; results of operative and search activities; collection of proof; criminal proceedings.

● **Criminal procedural policy of Russia: the scientific heritage of N.S. Alexeyev and challenges of the current law science.**

Nikolay G. Stoyko – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Procedure and Criminalistics at Saint-Petersburg State University.

The article analyzes the main ideas of Professor N. S. Alexeyev (and his coauthors), associated with the criminal procedural policy. The goal is to show the scientific significance of these ideas within the relevant context of legal theory and practice. The key findings are as follows: ideas of N. S. Alexeyev still keep their importance in two respects: 1) research of the criminal procedural policy cannot be based solely on the doctrinal legal approach; 2) this research requires use of the methods of sociological

sciences, political sciences, economic sciences and other sciences (first of all, of their empirical techniques).

Keywords: Russian criminal procedural policy; scientific heritage; relevant scientific problems.

• **Establishing the conflict of interests of clients of the lawyer.**

Antonina S. Taran – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Samara State University.

Establishing the conflict of interests of clients of the lawyer is carried out both by the courts which recuse him/her on the basis of the Clause 3, the part 1, of the Article 72 of the Criminal Procedural Code of the Russian Federation, and by disciplinary bodies of the lawyers' community, which settle the question of a violation of the prohibition stipulated by the Section 2, the part 4 and the part 6, of the Federal Law «On advocacy...», and the Clause 1, the part 1, of the Article 13 of the Code of Professional Ethics of Lawyers, in respect of acceptance, by a lawyer, of a commission on rendering legal assistance to a person whose interests conflict with interests of the lawyer's client. The lack of uniformity in the practice of these bodies is obvious.

Keywords: criminal proceedings; lawyer; client; recusation; ground for recusation; conflict of interests; circumstances precluding participation in the case.

• **On the current practice of rendering and enforcing private decisions (rulings) of courts in criminal cases.**

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

Firyuza E. Distanova – Assistant in the Department of Criminal Law and Criminal Procedure of the Institute of Law at the Bashkir State University.

Being a variety of court decisions, a private ruling (decision) has all the attributes of court decision, including the sign of obligatoriness and enforceability. The current practice evidences that the addressees of private rulings (decisions) of courts rather often do not consider themselves bound to execute this kind of court decisions, while courts, in their own turn, do not always exercise proper control over their execution. The article assesses the effectiveness of the concept of private decisions (rulings) of courts and, possibility of its development in current conditions.

Keywords: private ruling (decision); enforcement of a ruling (decision); legal responsibility; court authorities; justice; presentation of the investigator.

CRIMINAL EXECUTIVE LAW. PENITENTIARY

• **Problems of confirmation and implementation of the principle of humanism in the current criminal executive practice.**

Olga A. Adoyevskaya – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at Samara State University.

The article considers the problem of implementing the principle of humanism in the current criminal executive policy. Negative consequences of failure to comply with principles of legitimacy and humanism in activities of the legislative and law enforcement authorities in the area of criminal executive law are shown. Critical analysis of the Concept of Development of the Penitentiary System in the Russian Federation until 2020 is given.

Keywords: principle of legality; principle of humanism; criminal executive policy; institutions and authorities which implement punishments.

• **The legal framework for providing visits to suspects and to detained accused persons.**

Ivan V. Karavaev – PhD in Law, Senior Lecturer in the Department of Security and Control Organization in UIS at the Academy of the Federal Penitentiary Service of Russia.

The article analyzes the requirements of international standards and the Russian legislation associated with provision of the right for visits to suspects and to detained accused persons. The author comes to the conclusions that the provision specified by the Article 18 of the Federal Law «On detention of suspects and of persons accused of committing crimes» does not meet the requirements of international standards of the "maximum naturalness of family relations". It is proposed to increase the number of visits with relatives and other persons, and also to specify the duration of such visits. The author explores the legal

basis of the implementation of visits for a category of persons which is new for the law, that is, for the representative in the European Court of Human Rights or, for a person who renders legal assistance in connection with the intention to appeal to the European Court of Human Rights.

Keywords: custody; detention; detention; detention facility; pretrial detention facility; the suspect; the accused; visit of a family member; visit of the lawyer; person providing legal assistance; the European Court of Human Rights; international standards.

• **Integrity and legal regulation of criminal procedural activities of the criminal executive system.**

Aleksandr A. Krymov – PhD in Law, Associate Professor, Head of the Academy of the Russian Federal Penitentiary Service.

The article substantiates the necessity to establish a closer relationship of the regime in penal institutions with the criminal procedural activities of the criminal executive system and, to establish more efficient use of the component parts of the former to achieve the purpose of criminal proceedings.

Keywords: criminal procedural activities; criminal executive system; purpose of criminal proceedings; regime in penal institutions; operational and search activities.

CRIMINOLOGY

• **Criminal knowledge and skills: the concept and the essence.**

Vadim V. Tulegenov – PhD in Law, Associate Professor, Head of the Department of Criminal Execution Law at Vladimir Law Institute of the Russian Federal Penitentiary Service.

The article performs scientific analysis of criminal knowledge and criminal skills. The author of the article comes to a conclusion that the criminal knowledge today is a full-fledged artefact and, he considers criminal knowledge as a social phenomenon, as personal and scientific knowledge. The analysis of criminal skills has helped to formulate the appropriate definition, to single out the essential features and to develop a criminological model.

Keywords: artefact; knowledge; criminal professional manipulation; criminal professional act; criminal professional process; criminal knowledge; criminal skills; criminal professionalism; method; mechanism of formation; technique; skills.

CRIMINALISTICS

• **Investigation of causing grievous bodily harm by negligence during an attack of a dog (the part 1 of the article 118 of the Criminal Code of the Russian Federation).**

Vasily V. Bychkov – PhD in Law, Associate Professor, Scientific Secretary at the Academy of the Investigative Committee of the Russian Federation.

The article discloses the basic elements of criminalistic characteristics of causing grievous bodily harm by negligence during an attack of a dog, specific features of checking a report of causing grievous bodily harm by negligence as a result of an attack of a dog and, investigation of these crimes at the initial stage, as well as certain investigative actions in criminal cases of this category.

Keywords: causing grievous bodily harm by negligence; dog attack; dog bite; criminalistic characteristic; checks of reports of a crime; investigation of a crime.

• **The use of special knowledge in the course of detection and investigation of crimes in the sphere of public procurement in Ukraine.**

Valery V. Daragan – PhD in Law, Senior Lecturer in the Department of operational-search activity and special technique of the Faculty of training specialists for criminal police departments at Dnepropetrovsk State University of Internal Affairs.

The article substantiates the necessity of using special knowledge in the course of detection and investigation of crimes in the sphere of public procurement in Ukraine. In this regard, the focus is on the role of usage of special knowledge for high-quality investigation of crimes in the sphere of public procurement. Classification is made of the special knowledge which is used during detection and investigation of crimes in the sphere of public procurement, in terms of subjects of their commitment and the area of their application. Specific features of the use of special knowledge in detection of crimes in the

field of public procurement, as well as in their investigation by the internal affairs authorities of Ukraine, have been considered.

Keywords: public procurement; special knowledge; detection of crime; investigation.

• **Criminalistic concept of the behavioral mechanism of a criminal.**

Sergey V. Lavrukhin – PhD in Law, Associate Professor in the Department of Criminalistics at Saratov State Law Academy.

The article studies the essence of the criminalistic concept of the behavioral mechanism of a criminal, with emphasis on the temporal structure of this process of objective reality and on the relations between its elements.

Keywords: general theory of criminal science; object of science; behavior of a criminal; behavioral mechanism of a criminal; stage of behavior of a criminal; phase of behavior of a criminal; traditional structure of the behavioral mechanism of a criminal.

• **Criminalistic information as the information basis for proving in a criminal case.**

Evgeny V. Pisarev – PhD in Law, Associate Professor in the Department of Criminal Law Disciplines at Samara State University of Economics.

The article analyzes the nature of the information involved in the process of crime investigation. The author notes the following: despite the fact that the main task of the subject of proving is collection of information about the criminal event on whose basis the proof in criminal proceedings is to be formed, there is no single point of view on the nature of such information and, as a consequence, no single designation of information generated by the crime. The study made has allowed the author to conclude that the most preferable term characterizing the information which has arisen as a result of committal of crimes and which is used in the course of the disclosure and investigation for proving the circumstances listed in the Article 73 of the Criminal Procedural Code of the Russian Federation, is the term «criminalistic information».

Keywords: information; criminalistic information; disclosure and investigation of crimes; proving.

• **Theoretical foundations of procedural criminalistic algorithmization and programming.**

Vitaly A. Svetochev – PhD in Law, Senior Lecturer in the Department of Criminalistics at Kaliningrad branch of Saint-Petersburg University of the MIA of Russia.

Solving and investigation of crimes involves unconventional thinking, high intelligence and erudition, ability to communicate with other persons in conflict situations. In this regard, such personality traits as observation and memory, insight and insightfulness are important. It is not by chance that the work of criminologists (operational commissioners, investigators and experts) is often compared to art. However, mastering this specific art needs special tools as well, which should include algorithmization and programming because they accumulate the experience of employees of law enforcement authorities of previous generations. Theoretical development of general and particular provisions of criminalistic algorithmization and criminalistic programming is not a novelty of modern science, but it finds a new «lease of life» in the science, as evidenced by the interest to it on behalf of scientists working in this field, and on behalf of practicing lawyers working in the field of criminal justice. The article substantiates the expediency of the formation of a new scientific field (doctrine): private criminalistic theory of procedural and criminalistic algorithmization and programming of criminal proceedings.

Keywords: criminal proceedings; private criminological theory; algorithm; program.

• **Identification of false testimony by non-verbal behavior of the person interrogated: modern approaches to the problem.**

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.

On the basis of the current criminological literature, mostly foreign literature, the article characterizes nonverbal behavior and substantiates its importance for criminalistic science. The most recent achievements of Russian and foreign criminal psychology are analyzed and, on their basis, several recommendations are proposed that are aimed at improving the work of subjects of criminalistic activities, in the field of lie detection, by means of study of non-verbal behavior of the person being interrogated.

Keywords: non-verbal behavior; lie; criminalistic analysis; lie detection; investigation.

LAW ENFORCEMENT AUTHORITIES

• Internal affairs authorities in the Russian system of prevention and liquidation of emergency situations of natural and man-made character.

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Viktor V. Gorovoy – PhD in Law, Senior Lecturer in the Department of the activities of internal affairs bodies in special conditions at Moscow University of the MIA of Russia named after V.Ya. Kikot.

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 describes the main distinctive features and criteria of an emergency situation; the author's concept of emergency situation of man-made character is formulated, the role and actions of units of the internal affairs authorities of the Interior Ministry of Russia in liquidation of consequences of emergency situations of man-made character, as well as the issues of preparation and conduct of special operations (measures) in liquidation of consequences of emergency situations of man-made character by forces of the internal affairs authorities are demonstrated.

Keywords: internal affairs authorities; emergency situation; emergency situation of man-made character.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

• Transfer of criminal prosecution (proceedings): legal regulation and some problems.

Elena V. Bykova – PhD in Law, Leading Researcher in the Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

Tatyana A. Reshetnikova – PhD in Law, Leading Researcher of International Cooperation and Comparative Jurisprudence Department of Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

Vadim S. Vyskub – Junior Researcher in the Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

The article analyzes the provisions (both international and national provisions) which constitute the legal basis regulating one of the important types of international cooperation: transfer of criminal prosecution (proceedings). Focus is on the existing problems in this field. Possible ways of overcoming them are suggested and, the relevant conclusions are made.

Keywords: international cooperation in criminal proceedings; transfer of criminal proceedings; international treaty; criminal prosecution; criminal proceedings; citizenship.

• Integration of Pre-Trial Investigation and Operational Activity: Foreign and International Aspects.

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The article considers the tendency of interpenetration and integration of criminal procedure and operational activity in foreign criminal procedures and international law acts, dissolution of boundaries between international criminal justice cooperation and police-to-police cooperation in combating crime.

Keywords: criminal procedure; pre-trial investigation; operational and search activity; special investigative techniques; international cooperation in criminal proceedings; police-to-police cooperation in combating crime; evidence, intelligence.

• Concept of refugees in the context of international cooperation in the area of criminal proceedings.

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

The article is devoted to the problems of securing the legal guarantees for refugees in the course of implementation of extradition relations. Special attention is paid to the implementation of the principle of

non-extradition of refugees in respect of the persons who have committed crimes in the respective state of their nationality or of their usual residence. Criteria of exclusion from refugees are analyzed, including the criteria associated with the severity of the crime. Problems of implementation of criminal liability in respect of such persons are considered.

Keywords: international cooperation in the area of criminal proceedings; extradition; extradition of refugees; principle of non-extradition of refugees; exclusion from refugees; refusal to extradite; criteria of severity of the crime.

COMPARATIVE LAW

• Regulation of execution of search and seizure in foreign countries (through the example of France, Germany, Great Britain and USA).

Ivan A. Misuta – PhD Student in the Department for Research Personnel Training at the All-Russian Scientific Research Institute of the Ministry of Internal Affairs of the Russian Federation.

The article discusses common and specific features of evolution of legal regulation of search and seizure under the laws of France, Germany, Great Britain and USA. General tendencies have been detected in the development of these procedural institutions in legislation of the countries belonging to the Romano-Germanic (continental) and the Anglo-American legal families. Based on the patterns identified, conclusions are made about the purpose and procedural essence of search and seizure in foreign law, as judicial arrest of things, accompanied by their displacement, for adoption, by court, of a decision on their further use in the criminal proceedings and identification of affiliation.

Keywords: search; warrant; anticipatory search; caption; seizure of things; confiscation; reasonable justification; police enquiry; cases of urgency; judicial authorization; judicial control; exclusion of proof.

• Classification of punishment according to muslim criminal law.

Emilia Sh. Radzhabova – PhD Student in the Department of Criminal Law, Criminal Procedure and Criminalistics of the International Law Faculty at Moscow State Institute of International Relations (University).

The article analyzes the scientific and regulatory criteria for classification of punishment according to the Muslim criminal law. Through the example of the Islamic Republic of Iran, the system and the essential side of particular types of punishment singled out by the Muslim theory of punishment is illustrated. Focusing on the two postulates of classification of punishments which are unshakable for Islam: certainty (normalization) of punishment and the nature of the breached social relations – the author makes an attempt to comprehend the possibility and necessity of reception of secular types of punishment and other deterrent measures into the criminal legislation of Muslim countries.

Keywords: Muslim criminal law; Sharia; classification of punishment; normalized punishment; «Hudood»; «Qisas»; «Diyah»; «Ta'ser»; deterrent punishment; secular punishment.

FROM LEGAL SCIENCE TO PRACTICE

• To supervision of military prosecutors over investigative authorities – commanders of military units at the stage of initiation of a criminal case.

Leonid V. Brusnitsyn – Doctor of Laws, Professor in the Department of Criminal Procedure, Justice and Prosecutorial Oversight of the Law Faculty at Lomonosov Moscow State University.

The article considers the tasks of military prosecutors in respect of supervision over investigative authorities – commanders of military units – concerning the stage of initiation of a criminal case. Powers of the commander of a military unit on the reports of crime whose investigation is held in the form of an enquiry, is determined. It is shown that on the basis of these reports, the commander of the military unit is entitled to make only one decision, that of forwarding the respective report, in accordance with the jurisdiction, to military investigative authority.

Keywords: prosecutor's supervision; investigative authorities; initiation of criminal case; refusal to initiate criminal case.

• **Judicial errors: nature and causes of their occurrence in respect of cases tried by the court with participation of jurors.**

Alexey A. Ilyukhov – PhD in Law, Associate Professor in the Department of Criminal Procedure at the Academy of the Investigative Committee of the Russian Federation.

The article examines the nature of the judicial errors committed in consideration of criminal cases in court with participation of jurors. Errors are analyzed which are associated with substantial violation of criminal procedural law and incorrect application of the criminal law, which leads to the abolition of sentences ruled on the basis of verdicts of jurors. Objective and subjective causes of judicial errors are disclosed, as well as the influence of investigative errors on their occurrence; suggestions for their elimination are given.

Keywords: criminal procedure; preliminary investigation; trial; jurors; investigative and judicial errors.

• **Admissibility of appropriate procedural sources of evidence in the Russian criminal proceedings.**

Roman V. Kostenko – Doctor of Laws, Professor, Head of the Department of Criminal Procedure at Kuban State University.

This article examines the problematic issues associated with assessment of the admissibility of evidence in criminal procedures from the point of view of legality of appropriate sources of information constituting the content of evidence.

Keywords: evidence in criminal proceedings; admissibility of evidence in criminal proceedings; assessment of the admissibility of evidence; procedural form of evidence.

• **Techniques of legislative techniques: legal content, classification and practical importance (through the example of certain component elements of financial crimes).**

Valery F. Lapshin – PhD in Law, Associate Professor, Head of the Department of Criminal Law at the Academy of the Russian Federal Penitentiary Service.

The article substantiates the significance of one of the component elements of legislative techniques: the method of presentation of a regulatory act. Two classifications of existing methods of legislative techniques are given, and afterwards, contents are disclosed of each type included in the classification. Through the example of the criminal legal provisions on liability for crimes entrenching on financial relationships, significant practical importance is shown of selection of the technique of presentation of a regulatory act for preparation of a high-quality regulatory act, for ensuring the simplicity and brevity of the content of criminal legislation.

Keywords: legislative technique; component elements of legislative techniques; methods of presentation of legal material; note; financial crime; financial offense.

HISTORY OF LEGAL SCIENCE

• **Crimes against administrative order under the 1864 Statute on punishments imposed by justices of the peace.**

Pavel A. Philippov – Associate Professor in the Department of Criminal Law and Criminology of the Law Faculty at Lomonosov Moscow State University.

The article analyzes the provisions of the Statute on Punishments Imposed by Justices of the Peace, on offences against administrative order, and also provides the doctrinal and judicial interpretation of these rules.

Keywords: criminal responsibility; crimes against administrative order; the 1864 judicial statutes; insult of a representative of authority.

• **On the origin and development of the institution of forensic enquiry in Russia.**

Alla V. Khmeleva – PhD in Law, Acting Head of the Department of Criminalistics at the Academy of the Investigative Committee of the Russian Federation.

The article is devoted to the origin and development of forensic enquiry in Russia. Legislative consolidation of the purposes of use of special knowledge by the investigator in the investigation of crimes, and the rights and obligations of the forensic expert are considered in the historical perspective; continuity and differences in the legal status of an expert between those fixed by the 1864 Statute of Criminal Procedure and the modern legislation are shown.

Keywords: the 1864 Statute of Criminal Procedure; competent persons; forensic enquiry; procedural status of an expert; grounds for challenge of an expert.