

OPINION

● In defense of the «strong investigator» concept

Valery I. Sankov – PhD in Law, Senior Lecturer in the Department of Criminalistics at the Academy of the Investigative Committee of the Russian Federation.

The article considers various points of view on the process of reforming the modern institute of Russian preliminary investigation, with account taken of historical experience available in Russia. The author analyzes arguments of opponents of the single Investigative Committee and argues in favour of the «strong investigator» concept.

Keywords: investigator; investigating judge; court investigator; preliminary investigation; Investigative Committee of the Russian Federation.

CRIMINAL LAW

● Criminalization of fraud in the area of computer information within the framework of the Russian law

Lyudmila M. Bolsunovskaya – PhD Student in the Department of Criminal Law and Criminology at Lomonosov Moscow State University.

The author assesses the legislative decision on criminalization of fraud in the area of computer information within the framework of the Russian law, from the viewpoint of the criminalization theory. In this way, the author supports one of the approaches taken shape within the criminal law doctrine in respect of interpretation of the elements of the crime of fraud in the area of computer information as a new form of theft and, substantiates validity of such view. In so far as the set of elements of the Article 159.6 of the Criminal Code of the Russian Federation is an independent form of theft, rather than a special set of elements of the Article 159 of the Criminal Code of the Russian Federation, this former set of elements does not give rise to collision of criminal legal provisions but, quite the opposite, solves the issues of violation of the principle of legality.

Keywords: criminalization; fraud in the area of computer information; computer fraud; deception; theft.

● Personality of the culprit as the criterion of individualization of punishment

Vyacheslav N. Voronin – PhD in Law, Lecturer in the Department of Criminal Law at Kutafin Moscow State Law University.

The article conducts criminal legal analysis of application of one of the main criteria of individualization of punishment: personality of the culprit. On the basis of analysis of extensive materials of judicial practice and the questionnaire of judges carried out, the author makes conclusions and gives classification of the factors influencing the measure of punishment by means of the individualization criterion under study, as well as suggests the wording for the resolution of the Plenum of the Supreme Court of the Russian Federation, which would help to streamline the judicial practice.

Keywords: punishment; imposition of punishment; personality of the culprit; expunged conviction.

● Criminal legal classification of act which has caused harm, in case of competition, conflict and totality of circumstances excluding criminality of the act

Andrey V. Savinov – PhD in Law, Associate Professor, Director of Kaluga Institute (branch) of All-Russian State University of Justice.

The article considers specific features of classification of acts which have caused damage in circumstances excluding criminality of the act, in case of their competition, conflict and totality. The article analyzes two varieties of competition and various forms of conflict of provisions of Chapter 8 of the Criminal Code of the Russian Federation. On the basis of examples from judicial practice, the author formulates the key rules of classification in case of competition of circumstances excluding criminality of the act, in case of conflict and totality of the said circumstances.

Keywords: competition; conflict; totality; circumstances excluding criminality of the act; classification of acts; causing of harm.

● **Trafficking of alcohol products and/or tobacco items (Article 200² of the Criminal Code of the Russian Federation): resurrection of the notion of goods trafficking or reaction to sanctions of the European Union**

Anna V. Skachko – PhD in Law, Senior Lecturer in the Department of Criminalistics of Krasnodar University of the MIA of Russia.

The article considers the elements of crime in respect of trafficking of alcohol products or tobacco items newly introduced by the Criminal Code of the Russian Federation. The author assesses these novelties as evidence of resurrection of the notion of «goods trafficking» in the criminal law, which has been sped up by sanctions on behalf of European Union member countries.

Keywords: trafficking; alcohol products; tobacco items; state border; sanctions; the European Union; goods trafficking.

● **Timber as an item for committal of the crime in violation of Article 191¹ of the Criminal Code of the Russian Federation**

Madina N. Uzdanova – PhD Student at Saratov State Law Academy.

A necessary essential element of the crime in violation of Article 191¹ of the Criminal Code of the Russian Federation is the item for its committal, defined by the law as timber. On the basis of the legislation currently in effect and analysis of studies in the area of forestry science, the article considers the content of the notion of «timber», the stages of timber procurement, as well as the problematic issues of categorizing timber material made of undergrowth and lianas as the subject matter of the crime under consideration. As a result of the study, conclusions are made in respect of the notion of “timber” for the purpose of the article under consideration; the content of the item for committal of the crime in violation of Article 191¹ of the Criminal Code of the Russian Federation is determined; proposals for improvement of the legislation are set forward.

Keywords: economic crime, Article 191¹ of the Criminal Code of the Russian Federation; illegal turnover of timber; subject matter of crime; item for committal of crime; timber; undergrowth; lianas; procurement of timber.

CRIMINAL PROCEDURE

● **Discretion of investigator as a corruptogenic factor**

Aleksey Yu. Afanasyev – PhD Student at Nizhny Novgorod Academy of the MIA of Russia.

The article analyzes the institute of investigative discretion in the criminal procedures as a corruptogenic factor. For this purpose, attempts are made to relate the notions of dispositivity, discretionary nature and discretion in the criminal procedure of Russia; a possibility is substantiated to exercise the right of discretion in the criminal proceedings for committal of corrupt acts. The author comes to a conclusion that the level of corruption risks is higher in case of key criminal procedural decisions, such as initiation of a criminal case, termination of proceedings on the criminal case. Signs are identified for corruptogenicity of some provisions of the Criminal Procedural Code of the Russian Federation, which confirm the thesis: «Discretion of the investigator is a corruptogenic factor» and, the necessity to restrict excessive right for discretion of the investigator.

Keywords: discretion of investigator; discretion; discretionary nature; dispositivity; corruptogenic factor; corruption risk; criminal procedural decision.

● **Theoretical problems of the notion of suspension in criminal proceedings**

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

Islam M. Kunov – Senior Assistant Prosecutor of Dinskiy District of the Krasnodar Region.

On the basis of analysis of the content of Chapter 28 and Article 238 of the Criminal Procedural Code of the Russian Federation, which determines the procedure and grounds for suspension of proceedings on a criminal case, the article substantiates availability of two criminal procedural institutions determining possibility of a temporary break in: 1) investigative proceedings; 2) proceedings on the criminal case. The authors suggest notions of suspension concerning both institutes of criminal proceedings.

Keywords: preliminary investigation; criminal case; suspension; purpose; significance; identification.

● **Physical harm caused by a crime: the notion and, provision of its compensation in criminal proceedings**

Dmitry A. Ivanov – PhD in Law, Associate Professor, Deputy Head of the Department of Preliminary Investigation at Moscow University of the MIA of Russia named after V. Ya. Kikot.

The article deals with issues associated with identification of the physical harm caused by a crime, and an attempt is made to interpret this notion. The author considers various viewpoints toward understanding of the said notion; both the Russian criminal procedural legislation and legislation of a number of countries within the post-Soviet space have been analyzed. On the basis of the conclusions made, the author draws out supplements to the criminal procedural legislation currently in effect.

Keywords: physical harm; beatings; torture; investigator; inquiry officer; victim.

● **Judicial decision-making – a process subject to the laws of logic**

Svetlana V. Kornakova – PhD in Law, Associate Professor in the Department of Criminal Procedure and Public Prosecutions at the Baikal State University of Economics and Law.

The article is of critical character, for the purpose of warning the modern researchers about their operation of categories without any deep knowledge of their content. The article assesses the failure to take into account the principles of formal logic when shaping the findings of the court when making procedural decisions, in particular, those within the framework of judicial discretion. A conclusion is made on importance of observance of logical requirements for the judge to pass a legitimate, substantiated and fair decision.

Keywords: legality of judicial decision; judicial discretion; principles of formal logic.

● **Proceedings on juvenile cases in the Russian Federation: on the way toward juvenile justice**

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

Lyubov A. Shestakova – PhD in Law, Senior Lecturer in the Department of Criminal Procedure and Criminalistics of Law Faculty at Samara National Research University named after academician S.P. Korolev.

On the basis of the requirements of international acts, the principles of juvenile justice approved by international practice, the comprehensive approach and ideas of restorative justice, a possibility is studied of introduction of restorative procedures into the proceedings on juvenile crime cases.

Keywords: criminal legal proceedings; restorative justice; mediation; juvenile justice; juvenile.

● **Necessity of good-faith identification of the suspect/accused in the criminal proceedings**

Anna A. Lebedeva – PhD in Law, Leading Researcher at All-Russia Scientific Research Institute of the MIA of Russia.

The article states the problematic issues associated with the institute of identification of the suspect/accused in the criminal proceedings. The author places greater focus on the fact that the modern Russian reality is aware of cases of bringing persons to criminal responsibility under background information of third persons. The said facts happen to be because of negligent detection of biographical data of a person suspected/accused of a crime. The author cites instances from judicial practice. Conclusions are made on the necessity of scientific development of the institute of personal identification of the suspects/accused in committal of a crime.

Keywords: personal identification; personal data; the suspect; the accused; criminal process.

● **On the necessity to change some legislative provisions within the framework of use of findings of operational and investigative activity when proving under criminal cases**

Anton M. Lyutynskiy – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at the North-West Institute (branch) of Kutafin Moscow State Law University.

The article considers certain problems of legal regulation of the use of findings of operational and investigative activity when proving under criminal cases. The author proceeds from the concept in accordance with which the findings of operational and investigative activity can serve as the ground for shaping the criminal procedural proof. The provisions of the Criminal Procedural Code of the Russian Federation currently in effect, as well as certain provisions of the Federal Law «On operational and investigative activity», govern this matter insufficiently fully or precisely, which gives rise both to scientific discussions and to practical problems of law enforcement. The article formulates and substantiates, with account taken of opinions of processualist researchers, some proposals for

supplementing the provisions of the legislation currently in effect. Implementation of those proposals could help to fill the gaps and to bring the practice toward uniformity.

Keywords: findings of operational and investigative activity; proof; criminal procedural proving.

● **Relation between goals (objectives) of criminal legal proceedings and goals of criminal law**

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

The article considers the interrelation between goals of procedural law and the substantial law. The author concludes that for the scientific community, the question of prevailing values (public or private) in the criminal procedural law is disputable. At the same time, protection of interests of the public and the state against crime, as the goal (objective) of criminal legal proceedings, should be fixed by the criminal procedural law.

Keywords: appointment of criminal legal proceedings; criminal law; goal; objectives; public and private interests.

● **Unfairness of verdict as a ground for rescission or amendment of judgment which has not yet become effective in law**

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

The article considers development of the institute of unfairness of verdict as the ground for rescission or amendment of a judgment which has not yet become effective in law. Issues of amendment of legal regulation of this ground in the Russian legislation are examined. Problems in the criminal legal proceedings are analyzed which have arisen in connection with adoption of the Federal Law No. 433-FZ dated 29 December 2010, which has reformed the system of review of judgments. The judicial practice and the statistical data of the recent years are examined in respect of unfairness of verdict as a ground for rescission or amendment of judgments on appeal.

Keywords: unfairness of verdict; rescission of verdict; amendment of verdict; verdict; judgment; review; appeal; cassation; judicial reform; criminal legal proceedings.

● **Content of criminal procedural law as an expression of objective social demand**

Aleksandr V. Pobedkin – Doctor of Laws, Professor, Deputy Head of the Department of Professional Training at the Directorate of Public Service and Personnel of the MIA of Russia.

The article considers content of criminal procedural law in conjunction with values protected by the Constitution. The author proceeds from the fact that recognition, at the level of the Constitution of the Russian Federation, of human rights and liberties as the supreme value means that rights and liberties of everyone and at any time are the supreme value. It follows therefrom that the fundamental value means public demands and interests associated with rights and liberties of each person. Criminal procedural law, as a branch of law, is necessary for meeting the demands and interests of the society and of each of its members at the same time, including the members participating in certain criminal judicial proceedings. In this connection, any attempts to introduce into criminal procedural law any elements uncharacteristic to it are assessed negatively.

Keywords: supreme value; human rights and liberties; publicity; interests of society; criminal procedural law.

● **Grounds for suspicion of a person as having committed a crime and, grounds for detention of a suspect: delineation problems**

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

The article considers the issue of delineation of grounds for detention of a suspect, as a measure of procedural compulsion, and grounds for suspicion of a person as having committed a crime, as a form of implementation of criminal persecution. Proceeding methodologically from the goals of detention of the suspect, the author comes to a conclusion that the legal facts envisaged by the Article 91 of the Criminal Procedural Code of the Russian Federation, are in reality the grounds for suspicion, that is, they help to suggest (to set out a lead on) implication of the person in committal of the crime. As for the grounds for detention of the suspect, because of closeness of this measure of compulsion to the goals of measures of criminal procedural restriction, they should be formulated with account taken of the legal succession from the Article 97 of the Criminal Procedural Code of the Russian Federation.

Keywords: detention of the suspect; grounds for detention of the suspect; suspicion of committal of crime; the suspect; measures of criminal procedural compulsion.

• **Importance of the institute of crime categories for the Russian criminal judicial proceedings**

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

The article considers the issue of the procedural importance of crime categories. The examples of use of this institute for designing the provisions in the Criminal Procedural Code of the Russian Federation are listed. The author suggests the areas for further use of the institute of crime categories for designing the criminal procedural provisions.

Keywords: crime categories; categorization of crimes; grounds for legal proceedings; grounds for enforcement of procedural measures of compulsion.

CRIMINOLOGY

• **Sources of terrorism financing – the national and international aspects**

Nikolay M. Bukaev – Doctor of Laws, Professor, Professor in the Department of Criminal Procedure and Criminalistics at Orenburg Institute (branch) of Kutafin Moscow State Law University.

In this article, the author describes the types of sources of terrorism financing in Russia, as well as the types of sources of international terrorism financing. In addition, the author suggests certain ways of combating the terrorism financing, both in Russia and in the international stage.

Keywords: sources of terrorism financing in Russia; international terrorism; measures and methods of combating illegal financing of terrorism.

• **Place of electronic cash within the system of cash instruments: certain data for assessment of risks of circulation of cryptocurrency and for study of problems of its legal regulation**

Vladimir A. Kutyryn – 3^d-year student in the Faculty of International Economic Relations at the Moscow State Institute of Foreign Relations (University) of the MFA of Russia.

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

Currently, the issue of introduction of legal regulation of circulation of cryptocurrencies is widely discussed. Choice of the type of such legal regulation depends on results of risk assessment of circulation of cryptocurrencies for the financing system of the Russian Federation and for the public order as a whole, which is impossible without understanding the place of cryptocurrencies in the current system of cash instruments. In this connection, the authors present a general overview of such instruments and single out, within their system, the electronic cash, which includes cryptocurrencies as a type.

Keywords: electronic cash; cryptocurrencies; legal regulation.

• **Criminological risks of cryptocurrency circulation and problems of legal identification of cryptocurrency**

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

The article assesses the criminological risks of circulation of cryptocurrency and determines the possible areas for development of criminal legislation in the domain of financial relations. The main focus is on analysis of the current arguments in favor of legalization of virtual currency and, the advisability of a ban on its circulation is called in doubt.

Keywords: cryptocurrency; bitcoin; virtual currency; legal circulation; criminal legal ban; legalization of criminal incomes; financing of terrorism

• **Criminological specific features of crimes against sexual inviolability of minors**

Vladislav S. Solovyev – PhD in Law, Senior Lecturer in the Department of Criminal Law and Criminology at Krasnodar University of the MIA of Russia.

On the basis of application of the method of case content analysis of the information space of the Internet, the article discloses the following criminological specific features of the crimes against sexual

inviolability of minors: geography of crime, geography of victimization, age of the criminals, age and sex of the victims, difference in age between the criminal and the victim, place of the crime, character of relations between the criminal and the victim. As a result, some conclusions are made that should be taken into account in organization of preventive maintenance.

Keywords: minors; sexual crime; content analysis of the Internet; sexual inviolability; geography of crime; personality of the criminal; personality of the victim.

● **Criminal forest fires in the Russian Federation: trends and classification**

Valentina N. Shutova – PhD in Law, Associate Professor in the Department of State Law at Irkutsk Law Institute (branch) of the All-Russian State University of Justice.

The article substantiates the necessity of a comprehensive criminological study of criminal forest fires as a hazardous adverse phenomenon inflicting considerable material and environmental damage and resulting in human deaths. The author cites the statistical data characterizing the current state of the problem, and suggests classification of criminal forest fires depending on the forms of guilt, the motive and the goals of their committal and, depending on their scale. The most hazardous seem to be the forest fires which create a favorable situation for committal of another crime and, the fires arranged for the purpose of concealment of crimes. On the basis of analysis of the key causes of criminal forest fires, a set of measures is suggested for their prevention.

Keywords: criminal forest fires; arson; criminological analysis; classification; destruction of or, damage caused to forest vegetation.

CRIMINALISTICS

● **Criminalistical aspects of international cooperation in the area of criminal legal proceedings. Part I. Information-related specifics in the context of criminal procedural regulation**

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

With account taken of the sociological studies conducted by the author and studies of the practice of international cooperation in the area of criminal legal proceedings on criminal cases, the article demonstrates some criminalistic aspects of this activity in close connection with specific features of its criminal procedural regulation. Recommendations are suggested which are aimed at enhancing the efficiency and effectiveness of such cooperation; some areas for further criminalistic research in this area are determined.

Keywords: international cooperation in the area of criminal legal proceedings; request for legal aid; criminalistic support; opinion of an expert in legal matters.

● **Initial investigative situations, tactical problems and possible means for their solution as structural elements of the methodology of investigation of crimes in the area of illegal trafficking of drugs**

Elena E. Kosmodemyanskaya – PhD in Law, Associate Professor in the Department of Criminalistics at Siberian Law Institute of the Federal Drug Control Service of the Russian Federation.

The article considers the notion and the structures of tactical problems of investigation of crimes in the area of illegal trafficking of drugs, whose system is based on the initial investigative situations. On the basis of generalization of materials of investigative practice, possible means are proposed for solving these tactical problems. Investigative activities are suggested, which are aimed at proving of the objective and subjective aspects of the crime.

Keywords: investigation of illegal trafficking of drugs; situation of investigation; tactical problem; investigative activities; proving of the objective and subjective aspects of crime.

● **Specific features of criminalistic characterization of assaults associated with robbery, which are committed in the Northern Caucasus**

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Vladimir A. Votkin – PhD Student in the Department of Forensics and Criminalistics at Belgorod National Research University.

The article presents the criminalistic characterization of assaults associated with robbery, intrinsic to the Northern Caucasian region; its specific features are expressed which are associated with cultural traditions of the ethnic groups dwelling there; its structure is presented as well as its applied significance for methodology of investigation of the said crimes.

Keywords: assaults associated with robbery; criminalistic characterization of assaults associated with robbery; solving and investigation of robbery.

● **«Virtual property» as an element of criminalistic characterization of the crimes committed by means of electronic means of payment**

Nina V. Olinder – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics of Law Faculty at Samara National Research University named after academician S.P. Korolev.

The article analyzes virtual property as an object of criminal encroachment. Specific features of electronic means of payment in case of purchase of items of virtual property are singled out; fraud schemes using virtual property and electronic means of payment are considered.

Keywords: virtual property; investigation of crimes committed with the use of with the use of electronic means of payment and electronic payment systems; criminalistic characterization of crimes committed by means of electronic means of payment and electronic payment systems.

● **Tactical operations: toward the fundamental notions**

Natalia YU. Ponomarenko – Assistant in the Department of Forensic and Criminalistics at the Law Institute of Belgorod State National Research University.

The article considers the issues associated with definition of notions of tactical operations in preliminary investigation. The author gives their definitions, as well as the substantiated grounds of what the law enforcer should regard as an applied definition of tactical operations (in a narrow sense and in a wide sense) at the phenomenon level, while for criminalist researchers, who are busy developing the provisions of the criminalistic subtheory of tactical operations, important is the definition of tactical operations both at the level of their essence and at the phenomenon level.

Keywords: tactical operations; means of proving.

● **Application of CT examination in case of investigation of crimes. Criminalistic tomography**

Andrey A. Strelkov – PhD Student in the Faculty of Scientific and Pedagogical Staff Training at the Academy of the Investigative Committee of the Russian Federation.

The article presents an overview of practical application of X-ray computer tomography for postmortem medical examinations and forensic enquiries. The author considers the prospects of criminalistic use of CT examination as a engineering criminalistic tool, for investigation activities. Definition of the area of the scientific criminalistic research of use of the CT method for the purpose of investigation of crimes, as an element of the system of criminal investigation technique, is criminalistic tomography.

Keywords: criminal investigation technique; engineering criminalistic tools; scientific criminalistic research; X-ray computer tomography; forensic enquiries; criminalistic tomography.

● **Declarative frame-based model of «transnational crimes» and its place within development of the crime investigation methodology**

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

Methodology of investigation of transnational crimes should correspond to two levels of use of the available and new knowledge: declarative knowledge (knowing WHAT) and procedural knowledge (knowing HOW). Distinction between the two types of knowledge should be taken into account in case of use in the simulation method in the methodology of crime investigation, including investigation of transnational crimes. The article presents experience in creation of a declarative frame-based model of «transnational crimes». The author considers the possibilities for using that model in the development of other models relevant to the methodology of crime investigation – scenarios of crime investigation and frame samples (models for investigation of individual crimes).

Keywords: transnational crimes; forensic methodology; crime investigation; simulation; frame.

● **Tactical specifics of fixation of the course and results of search**

Aleksandr A. Cheburenkov – PhD in Law, Associate Professor in the Department of Criminal Law, Criminalistics and Criminology of the Mordovian State University of N.P. Ogaryov.

In case of any investigative activity, including search, special significance is gained by the proper fixation of its course and of the results obtained. Considering fixation of the evidentiary information on the substantial part, it is possible to earmark its tactical aspects requiring a special examination, along with procedural aspects. In this connection, it appears necessary to develop special tactical recommendations for fixation of the course and results of search, which would pertain to the optimal choice of means and methods of fixation, to support the fullest possible account of all activities of the searching person and, their consequences, individualization of the detected items, etc. This article proposes the respective recommendations intended for application in the investigative practice.

Keywords: search; fixation; course and results of investigative activity; tactical recommendation; detection; seizure; protocol; photo and video recording; admissibility of evidence.

● **Notion and content of the engineering and criminalistic maintenance of investigation of crimes associated with illegal trafficking of narcotic substances and psychotropic, highly potent and poisonous substances**

Lyubov E. Chistova – PhD in Law, Associate Professor in the Department of Criminalistics at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article carries out detailed analysis of various viewpoints in respect of the notion and the content of the engineering and criminalistic maintenance of crime investigation; it substantiates the author's position on the problem, as well as gives the author's definitions of the engineering and criminalistic support irrespective of any crimes under investigation; the engineering and criminalistic support of the crimes associated with narcotic substances, psychotropic, highly potent and poisonous substances; subjects of the engineering and criminalistic maintenance for investigation of crimes of this type.

Keywords: engineering and criminalistic maintenance; narcotic substances; psychotropic, highly potent and poisonous substances; crimes.

● **Forensic science: a crisis and/or a move to a new stage?**

Tamara V. Shutemova – Senior Lecturer in the Department of Criminal Law at the Institute of Law of Samara State University of Economics.

The article deals with problems of forensic science of our times. While acknowledging availability of certain crisis phenomena in forensic science, the author believes that in order to overcome them, it is necessary to focus on revision of the content of approaches to the use of the criminalistic knowledge accumulated and, its development on the basis of new communication technologies and other new technologies. This should correspond to the increased demands toward acceleration of solution of problems of crime prevention. The author opines on advisability of creating a unified forensic center which would be intended for determining and coordinating the areas of theoretical research and practical recommendations in a centralized and systemic fashion, as well as for ensuring their approbation and practical implementation.

Keywords: forensic science; crisis; forensic research; unified forensic center.

FORENSIC EXAMINATIONS

● **Possibility of using the expert assessment of quality of medical aid and forensic examination of defects in medical aid in criminal legal proceedings**

Tatiana N. Petrova – Lecturer in the Laboratory of management for investigation professional knowledge of the Academy of the Investigative Committee of the Russian Federation

Expert assessment of quality of medical aid and forensic examination of defects in medical aid are not identical. However, delineation of these types of expert assessment causes certain problems due to the conceptual similarity of the notions. The article examines the relation between expert assessment of quality of medical aid and forensic examination of defects in medical aid, their goals and objectives, as well as the possibility of their use in the course of proving in criminal cases.

Keywords: expert assessment of quality of medical aid; forensic examination of defects in medical aid; iatrogenic crimes; evidence.

LAW ENFORCEMENT AGENCIES

• Notion, goal and objectives of power assistance in the law enforcement activities of the state

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 analyzes the power assistance from the state, as well as its notion, goal and objectives at the present stage. The author determines the pre-requisites of the power assistance from the state, as well as the comparative analysis of various structures of government authorities which render power assistance at the present stage. The author of the article, after having examined and analyzed the retrospective of development of the power assistance from the state in special conditions, suggests some solutions for improvement and use of special operations units in the rendering of power assistance in case of special operations (special measures).

Keywords: power assistance from the state; special operations units; notion, goal and objectives of power assistance from the state; compulsion.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

• Cooperation of Russia and Kazakhstan in the area of legal support in criminal cases

Nail R. Akhmetzakirov – Academy of Law Enforcement Agencies at the Prosecutor General's Office of the Republic of Kazakhstan.

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.

The article emphasizes possibility of international cooperation in the area of criminal judicial proceedings on the whole and rendering of legal support in criminal cases, in particular. A particular focus is placed on the role of the Prosecutor General's Offices of Russia and Kazakhstan in this activity. The authors analyze the legal base of cooperation between the two countries, the scope of legal support and its forms; problems of legal support in criminal cases are identified.

Keywords: international cooperation; legal support; inquiry; investigative activities; international treaty.

• Forensic base of data and records in the format of cooperation of European states in criminal cases as the backbone foundation of information security

Irina E. Nikitina – PhD in Law, Leading Researcher at All-Russia Scientific Research Institute of the MIA of Russia.

The article discloses the institutional and legal significance of involvement of the forensic base of data and records into the system of cooperation of the member states of the European Union in criminal cases. The author notes that starting from the effective date of the Prüm Convention in the member states, transboundary cooperation in the area of justice and interior affairs has risen to a new level of quality which provides for maintenance of the Europe-wide system of security and the consolidated countermeasures against international crime.

Keywords: cooperation in criminal cases; information security; forensic bases of data and records; Schengen agreements; Prüm Convention.

COMPARATIVE LAW

• Historical development of the criminal procedural legislation of the Russian Federation and the Republic of Turkey: common features and specific features

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The article considers the key stages of the historical development of the criminal procedural legislation of the Russian Federation and the Republic of Turkey. Common features are singled out, such as affiliation with the same legal system and the same «national type» of the criminal procedural law; the role of reception of the French criminal procedural legislation; substantially democratic character of the criminal procedural legislation; role of international treaties; specific features of modern legal reforms. Analysis is made of differences in the historical trends in respect of the development of criminal procedural legislation of Russia and the Republic of Turkey, on whose basis a conclusion is made that these trends demonstrate more similar features rather than distinctions, which creates prerequisites for studies of the

modern Turkish criminal procedural experience and possible application of its most positive aspects in the Russian legal system.

Keywords: criminal procedural legislation of Russia; criminal procedural legislation of the Republic of Turkey; cultural and historical types of criminal judicial proceedings of foreign countries; reception of the French and German criminal procedural law.

● **American experience in polygraph tests for the persons who committed crimes of sexual character**

Said R. Khamzin – Polygraphologist (Moscow).

The article considers the American experience in implementation of the Program of Work with Persons Who Committed Crimes of Sexual Character. Goals and key stages of the Program are described. The author provides insight into the specific medical and preventive intervention which is an important component in work involving the said cohort. The article notes efficiency of use of polygraph tests within the framework of the Program. The article describes the specific features of polygraph tests in respect of the persons who have served their sentence for crimes of sexual character. The author emphasizes the necessity of the integrated approach to the problem because all states of the USA have laws in effect which envisage notification of the public about the persons who have committed crimes of this kind.

Keywords: polygraph; lie detection; polygraph test; crimes of sexual character.

FROM LEGAL SCIENCE TO PRACTICE

● **Methodological foundations of crime investigation. Part II. Situational approach in the crime investigation methodology**

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

The article substantiates the provision that for an investigator, possibilities to process the mechanism of marking formation as a result of committal of a crime of a certain type from the forensic viewpoint (whose essence and significance for methodological foundations of investigation have been revealed in the preceding article of this cycle) are in many aspects conditional on the current investigative situation. From this perspective, the author gives classification of the most typical investigative situations of the initial stage of investigation of various crimes, as well as suggests reasonable activities on behalf of the investigator in investigation in each of the situations singled out.

Keywords: investigative situation in the methodological aspect of this notion; classification of investigative situations; matrices of the investigator's activities.

● **Specific features of obtaining the data on geolocation of a mobile customer device which is in use by an escaped suspect, by means of publicly available hardware and software resources**

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By means of practical examples, the article considers possibility to apply information on geolocation of mobile customer devices in case of detection and investigation of crimes, specific features of obtaining such information by means of publicly available hardware and software resources.

Keywords: geolocation; detection and investigation of crimes.

● **Analysis of practical application of provisions of Part 6 of Article 15 of the Criminal Code of the Russian Federation on recategorization of crime by courts**

Nina Yu. Skripchenko – Doctor of Laws, Associate Professor in the Department of Criminal Law and Procedure at the Northern (Arctic) Federal University named after M.V. Lomonosov.

Examination of judicial practice carried out in the course of the study demonstrates that a considerable portion of verdicts lack concretism of actual circumstances which are the ground for recategorization of the crime. Certain verdicts specify circumstances or data on the personality of the convict as the said grounds, however, such circumstances or data do not evidence any considerable decrease of public danger of the offense committed. In many cases, courts, while substantiating a decision on recategorization of the crime, specify circumstances that commute the punishment as actual circumstances, thus substituting the grounds for application of the part 6 of the Article 15 of the Criminal Code of the Russian Federation with conditions.

Keywords: crime category; court's powers; imposition of punishment; public danger of an offense; circumstances that commute the punishment; circumstances that aggravate the punishment.

SCIENTIFIC LIFE

• **International academic and research conference «forensic support of crime investigation» devoted to the 110th anniversary of professor I.F. Krylov**

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

Valery I. Sankov – PhD in Law, Senior Lecturer in the Department of Criminalistics at the Academy of the Investigative Committee of the Russian Federation.

The author presents an overview of the International Academic and Research Conference «Forensic Support of Crime Investigation» which was devoted to the 110th anniversary of Professor I.F. Krylov, Honored Scientist of the Russian Federation, Doctor of Juridical Science, which conference opened on 19 February 2016 in the Academy of the Investigative Committee of the Russian Federation.

Keywords: scientific life; conference; I. F. Krylov.

• **Towards the single theory of handwriting**

Denis O. Tsyarkin – PhD in Historical Sciences, Associate Professor, Head of the Department of European and Russian Cultural History of Saint-Petersburg State University.

The article deals with analysis of results of the first inter-disciplinary roundtable discussion «Russian Writing: History, Problems of Study and Preservation» which was conducted on 10 December 2015 in the History Institute of the St. Petersburg State University. The roundtable session dealt with problems of comprehensive study of individual writing as a phenomenon at an intersection of domains of study of several disciplines: judicial graphology, historical graphology and paleography/neography. The article presents, as theses, the material of 8 speeches and 2 presentations united by the same subject matter of handwriting research. The article generalizes the results of discussion on the speeches. Special attention is paid to the historical character of the graphology, which character is far from always perceived by experts in all cases currently.

Keywords: handwriting; signature; italics; Russian writing; judicial graphology; historical graphology; paleography; neography; graphology; psychophysiology of writing; psychology of writing; training in writing; handwriting worksheet; graphological examination.

PERSONALIA

• **The patriarch of legal education in Kuban**

Aleksandr V. Rudenko – Doctor of Laws, Associate Professor, Head of the Department of Criminalistics and Legal Informatics at Kuban State University.

Maksim V. Feoktistov – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology, Head of Master's Training at the Faculty of Law at Kuban State University.

The article is devoted to the jubilee of A.A. Khmyrov, the well-known Russian researcher in the area of foreign science and the organizer of legal education in Kuban, from whom the authors of this article were lucky to learn and with whom they were lucky to work subsequently.

Keywords: history of forensic science; criminal proceedings; theory of proving; Professor A.A. Khmyrov; circumstantial evidence.

METHODOLOGY OF LEGAL SCIENCE

• **On the system of special legal disciplines**

Gennady N. Mukhin – Doctor of Laws, Professor in the Department of State and Legal Disciplines at the Belarus State Economic University.

Dmitry V. Isyutin-Fedotkov – Doctor of Philosophy, PhD in Law, Associate Professor, Senior Lawyer in Lawyer's Office «ASTASHKEVICH and Partners» (Moscow).

The article considers problems of determining the relationship between subject matters of special legal sciences. Via the group of laws, the article gives definitions of the judicial and legal psychology and judicial psychiatry. The article gives the ways of solution, with solution of problems of differentiation of

domains of scientific knowledge and integration of capabilities of these sciences in the course of detection, investigation and prevention of crimes.

Keywords: forensic science; judicial psychology; judicial psychiatry; integration; crime detection.

REVIEWS

- **Reflections regarding the western view of «Russian approaches» to international criminal law**

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

The article is an overview of Russian attitudes in respect of understanding of foundations of international criminal law, specified by the monograph «Russian Approaches to International Law». A conclusion is made of a biased and unilateral assessment of the Russian doctrine of international criminal law.

Keywords: International Criminal Law; Russian doctrine; Nuremberg trial; international ad hoc tribunals.