

DISCUSSION FORUM

Problems of Regulating the Institution of Criminal Proceedings.

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

The article analyses the problems of legislative regulation and enforcement practices of the initial stage of the criminal proceedings. Debate of scholars and practitioners in this area has been going on for a long period: from the moment of introduction of the institution of criminal proceedings in Russian criminal process. During the operation of the RF Criminal Procedure Code 2001, the regulations relating the stage in question were changed several times. The recent changes in the procedure of this step (No. 23-FZ from March 4, 2013) have touched on the most important institutions of the criminal procedure law and require serious consideration.

Keywords: criminal proceedings; institution of criminal proceedings; pre-investigation inquiry; procedure of a case; guarantees of rights.

OPINION

The Non-compliance of the Bill of the Supreme Court of the Russian Federation on Changes to Articles 274 and 281 of the RF CPC with the Position of the European Court of Human Rights.

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

The article examines the draft law prepared by the Supreme Court of the Russian Federation amending Articles 274 and 281 of the RF Code of Criminal Procedure. Comparison of the proposed changes with the decisions of the European Court of Human Rights indicates that the draft law in question is contrary to the position of the ECHR.

Keywords: statements of victims and witnesses; reading the statements of victims and witnesses in court; trial before the court of first instance; the European Court of Human Rights.

Integrating Search Elements into Pre-Trial Proceedings (a comparativist perspective).

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

IRINA A. POPOVA – Senior Assistant to the Prosecutor of the city of Pyatigorsk.

The article presents a comparative legal analysis of the legislation on criminal procedure of the Russian Federation, the countries of the so-called 'near abroad', and a number of Western European States, regulating the operational and search activities, as well as the status of materials obtained in the result of those activities. Special attention is paid to the legislation of States having included into their national codes of criminal procedure tacit (termed as 'specialist', 'search', 'secret', or 'special') investigative actions, as well as providing the necessary safeguards for the rights of citizens in the course of carrying out of those actions. Conclusion is made on the existence of sufficient doctrinal and legal prerequisites and conditions to discuss the creating within national Code of Criminal Procedure of an institution of investigative actions for collecting evidence, the core of which will constitute actions of an intelligence and search nature. It is proposed to refer to these actions as 'complex investigative actions'. Conclusion is also formulated that materials obtained as the result of complex investigative actions and operational search measures should be recognized as sources of evidence, and data established by them as proofs.

Keywords: criminal procedural law; pre-trial proceedings; operational-search activity; investigative actions; evidentiary law; pieces of evidence; sources of evidence.

CRIMINAL LAW

Common Patterns in Applying Educational and Criminal Punishments.

Oleg N. Bibik – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at Dostoevsky Omsk State University.

The article, through an interdisciplinary approach, looks at educational and criminal punishments highlighting their similarities and differences. An attempt is made to identify common patterns associated with their use. The similarities between penal and educational punishments suggest the presence of their common psychological mechanisms to influence people's behaviour, which may be taken into account in improving the institution of criminal punishment.

Keywords: educational punishment; criminal punishment; mental experiences; stimulus - symbol - reaction; symbolism of punishment.

Illegal Entrepreneurial Activities in Gambling Business: Problems of Liability.

Pavel P. Bobrovich – PhD student in the Department of Criminal Law and Criminology at the Far Eastern Federal University.

The article analyses the development of state regulation of gambling in Russia. The current state of entrepreneurial activities in the field of gambling is reviewed, including online gambling. Problems of criminal and administrative responsibility are identified, and proposed solutions are analysed. Changes are suggested with regards to improving criminal responsibility for the crimes in this sphere. It is concluded that there is a need for science-based criminal policy and legislative activities in the Russian Federation in order to minimize the law enforcement problems when criminalising socially dangerous acts.

Keywords: gambling; criminal liability; administrative liability.

Debatable Questions on the Application of Compulsory Measures of Medical Character.

Yuliya A. Gerasina – Assistant Professor in the Department of Criminal Law and Procedure at the State University Education-Science-Production Complex (Orel city).

The article deals with the debatable questions around the definition of the concept of compulsory measures of medical character, their legal nature, the subject composition of compulsory treatment, and others. Analysis of the case law relating the imposition of compulsory medical treatment to persons who have lost procedural capacity, is also provided.

Keywords: compulsory measures of medical character; subjects of compulsory treatment; mental disorder; being a danger to self and others.

Philosophy of Criminal Prohibition.

Sergey A. Markuntsov – PhD in Law, Associate Professor in the Department of Criminal Law of the Law Faculty at the National Research University Higher School of Economics.

The article attempts to comprehend the philosophy of criminal prohibition. Based on the analysis of the emergence of initial criminal prohibitions, the mechanism of their operation, the correlation of the criminal prohibitions with moral norms, their value, significance and role for the individual, society and state, the author concludes that the philosophy of criminal prohibition reveals itself, on the one hand, in its diversity as a phenomenon of human history and culture, on the other, in the specificity and individuality of how it demonstrates itself in the context of specific social relations.

Keywords: criminal prohibition; crime; criminal law; moral norms; limits of freedom; criminality.

On the Issue of Criminal Liability for Trafficking in Drug Analogs and Psychotropic Substances.

Sergey N. Potapkin – PhD in Law, Associate Professor, Head of the Department of Criminal Law and Procedure at the Middle-Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article examines the question of whether and to what extent the establishment of liability for illicit traffic of drug analogs and psychotropic substances under the domestic criminal law complies with the principle of legality. In contrast to the list of narcotic drugs and psychotropic substances, which is regulatory fixed and officially published, whereby any person has the opportunity to get acquainted with it, the list of analog drugs and psychotropic substances is never fixed. This raises a debatable question of the possibility to establish direct intent, the mental element of which must be covered by the awareness of the substance's belonging to drug analogs or psychotropic substances, in criminal cases of the given category.

Keywords: principle of legality; criminal law analogy; analog of narcotic drug or psychotropic substance; chemical structure; psychoactive effect.

Criminal Characterisation of Mob Justice Punishments in Russia.

Aleksandr M. Smirnov – PhD in Law, Senior Researcher at the Research Institute of the Russian Federal Penitentiary Service.

The author proposes an operational definition of mob justice, in which it is suggested to be perceived as a negative social phenomenon that constitutes an unlawful response of citizens on their own initiative and in the form of retaliation to violations of legal regulations in society, moral prohibitions, as well as customs and traditions. Based on this definition, taking into account the circumstances surrounding mob justice punishments in Russia, the article seeks to identify its characteristics under criminal law, involving the range of socially dangerous acts through which mob justice can be implemented, its objective and subjective signs and indicators. The author concludes that, from the objective point of view there is not sufficient in mob justice itself of a socially dangerous act, as it is committed through one or multiple offences, mainly infringing upon life and health, honour and dignity, or sexual freedom of the wrongdoer. From the subjective position, mob justice is always a deliberate action, the main purpose of which is the desire to take revenge on the offender and restore justice.

Keywords: mob justice; concept of mob justice; characteristics of mob justice.

Some Aspects of the Classification of Crimes with a Hate or Enmity Motivation.

Svetlana V. Solovjova – Senior Lecturer in the Department of Humanities and Law Disciplines at the town of Belorechensk branch of the Adyghe State University, PhD Student in the Department of Criminal Law at Kuban State Agrarian University.

The article discusses some problems of the classification of offences against the person motivated by hatred or enmity when there are simultaneously several classification criteria.

Keywords: motivation; classification; hatred or enmity; classification criterion.

Changes in Legislation on Liability for Smuggling and Issues of the Systematisation of Crimes in the Special Part of the Criminal Code of the Russian Federation.

Aleksandr V. Fedorov – PhD in Law, Professor, Honoured Lawyer of the Russian Federation, Editor In Chief of the Drugs Control journal.

The article analyses the changes in the Russian criminal legislation on the liability for trafficking of drugs, psychotropic, virulent, or toxic substances; provides a systemic interpretation of the object of smuggling; and discusses the issues of the place of smuggling in the special part of the Criminal Code of the Russian Federation. The author has formulated an approach to the

definition of direct object of smuggling as a set of main and complementary objects, and justified the conclusion that changes in prioritizing of the above objects, where the main object is recognized as complementary, and the complementary object – as main, does not entail decriminalization of the corresponding acts.

Keywords: object of offense; direct object; main and complementary objects; contraband; object of smuggling; place of smuggling in the special part of the Criminal Code of the Russian Federation; articles of contraband; narcotic drugs; psychotropic, virulent and toxic substances; strategically important goods and resources; cultural values; criminalisation and decriminalisation.

Protection of Property Relations in Criminal Law.

Vadim V. Khiluta – PhD in Law, Associate Professor, Head of the Department of Criminal Law and Criminology at Yanka Kupala State University of Grodno (Belarus).

The article examines the problem questions of modernisation of criminal liability for crimes against property at the present stage. Attention is given to theoretical concepts in designing the criminal law, the issues of systematisation of property crimes and prospects of protection of property relations under criminal law. The author defends the idea of preserving the concept of theft as an encroachment upon material things and the need to be defined as separate category for infringements on intangible benefits, in connection with which, or in respect of which the offense is committed.

Keywords: crimes against property; property crimes; theft.

Development of Criminal Remedies for Involvement of Minors in Committing Antisocial Acts.

Galina V. Shevchenko – PhD student in the Department of Criminal Law at the Russian Academy of Justice.

Involvement of minors in the commission of antisocial acts is a significant threat to their personal development safety, and therefore, the struggle against it requires special attention on the part of the state. Criminal law remedies have a special place among the means of counteraction to this phenomenon. However, the analysis of relevant legislation and its practical implementation, has demonstrated the inconsistency and insufficiency of its resources. Based on the conducted analysis, the article provides the author's assessments of the possible prospects in the development of criminal law in the part concerning the prevention of involvement of minors in the commission of antisocial acts. The author suggests to differentiate the liability for the offences under Articles 151, 230 and 240 of the Criminal Code of the Russian Federation; to extend the range of characteristics for a special perpetrator in Article 151 (2) of the Criminal Code; to annul the note to Article 151 of the Criminal Code; to unify the terminology of Articles 230 and 2421 of the Criminal Code; to include in the Criminal Code an article providing for responsibility for the use of minors as models in the production of pornographic items and materials.

Keywords: minors; antisocial acts; criminal law protection of minors; differentiation of liability; optimization of legislation.

CRIMINAL PROCEDURE

Criminal Policy to Counter Tax Crime: Crisis or Modernization?

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Vladimir M. Kondrashkin – Lecturer in the Department of Professional Activities of Economic Security Units Personnel at Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia.

Jan S. Pyatyshev – Deputy Head of the Educational Research Unit For Countering Economic and Tax Crimes at Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia.

The article analyses the criminal policy to combat tax crimes. The authors believe that the existing procedure for the institution of criminal proceedings on cases of this category does impede the identification and conviction of criminals. They dispute the modern interpretation of prejudice which runs counter to the fundamental interests of justice and the rights of the individual. The procedure for resolving criminal disputes in cases of tax crimes that was established under Article 28.1 of the Code of Criminal Procedure has turned out to be rather ineffective. It is concluded that the State has actually ceased to fight against tax crimes, and although this has not yet resulted in negative consequences for the tax system, in the future the consequences will come. A number of steps to reform the pretrial proceedings in criminal cases and to make changes to the law of evidence are also proposed.

Keywords: criminal policy; tax offenses; prejudice; reform of preliminary investigation.

On the Propriety of Identifying as a Separate Category of ‘Public-Private Prosecution’.

Elena A. Artamonova – PhD in Law, Associate Professor in the Department of Criminal Law and Procedure at the North Caucasian Federal University Law Institute.

The article critically discusses the propriety of using the concepts of ‘public-private prosecution’ and ‘proceedings of public-private prosecution’ to describe the specific features of proceeding in criminal cases where there exist a possibility of termination of criminal proceedings (criminal prosecution) in connection with the reconciliation of parties (Art. 25 of the RF Code of Criminal Procedure and Art. 76 of the RF Criminal Code).

Keywords: prosecution; types of prosecution; public-private prosecution.

Indirect Proofs as Element of Legal Cognition.

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

The article focuses on the issue of the classification of evidence into direct and indirect proofs. It is emphasized that the theory of proofs is one of the components of the theory of legal cognition. It is noted that the issue relating indirect proofs is one of the most important both in the theory of evidence law and in practice of its application. It is stated that indirect proving (or proving by means of deductive knowledge) absolutely prevails. A variety of approaches to classify legal evidence into direct and indirect proofs are also discussed.

Keywords: legal cognition; evidence; theory of proofs; classification of evidence; indirect evidence.

Fact in Proof in Criminal Cases Involving Crimes of Extremist Nature.

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

The article discusses particular aspects of defining the fact in proof when investigating crimes of extremist nature. It also formulates the structure and composition of the groups of circumstances to be proven in criminal cases involving public calls for extremist activities; provocation of hatred or enmity, humiliation of human dignity; foundation of extremist community and organization of extremist institution activities; offences committed on grounds of political, ideological, racial, national or religious hatred or enmity, or hate or hostility toward a social group.

Keywords: extremism; crimes of extremist nature; fact in proof; circumstances to be proven.

Generally Recognised Principles and Norms of International Law as Sources of Criminal Procedural Law: De Jure and De Facto.

Dmitry P. Velikiy – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at the Orenburg Institute (Branch) of Kutafin Moscow State Law Academy.

The article examines the legal nature of the concepts of ‘universal principles’ and ‘generally recognised norms of international law’, their correlation with the international treaties of the Russian Federation, the norms of criminal procedure of the Russian Federation, the possibility and methods of direct application by the courts of the generally recognised principles and norms of international law in the course of criminal proceedings, the interpretation of the rules of criminal procedure within the system of the generally recognised principles and norms of international law. Special attention is paid to the reciprocity principle, its legal nature, securing it in law and departmental acts of law enforcement bodies, and interpretation of it by the Supreme Court of the Russian Federation. The author concludes that the generally recognised principles and norms of international law as sources of the criminal procedure law of the Russian Federation, do not have an independent nature.

Keywords: interpretation of the rules of criminal procedure; systematic interpretation; generally recognised norms of international law; generally recognised principles of international law; reciprocity principle; sources of criminal procedural law; international cooperation.

The Concept of Referring Criminal Cases for Further Investigation: Present Status and Prospects.

Aleksandr I. Grigoryev – PhD Student in the Department of Criminal Procedure at Ural State Law Academy.

The article discusses the problem of the lack of legal regulation of referring criminal cases for further investigation due to the appearance of new evidence incriminating the accused of committing a more serious crime, as well as the importance of further investigation for criminal proceedings.

Keywords: further investigation; the RF Code of Criminal Procedure; evidence; gaps in preliminary investigation; referring the criminal case back to the prosecutor’s office.

Protection of the Rights and Freedoms of Man and Citizen at the Stage of Execution of the Sentence.

Anzhela A. Kamardina – PhD in Law, Associate Professor, Lecturer in the Department of Criminal Procedure and Criminalistics at Orenburg State University.

Protection of the rights and freedoms of man and citizen as a principle of criminal justice process constitutes ambiguous understanding. In the article, the author examines the various points of view of scientists concerning this principle of criminal justice process. Mechanism for implementation of the principle of protection of the rights and freedoms of man and citizen at the stage of enforcement is considered. In the course of the research, the author has come to the conclusion that the principle of protection of the rights and freedoms of man and citizen in criminal justice process is additionally implemented through applying state security measures in relation to the convicts, which should be refined and integrated into the RF Code of Criminal Procedure taking into account the relevant provisions of the Constitution of the Russian Federation and the criminal executive legislation.

Keywords: principle of criminal justice process; protection of rights and freedoms; citizen; stage of execution of the sentence; protection of the rights and freedoms of man and citizen.

Problems of Analysing Criminal Law Provisions in the Development of Criminal Procedural Rules and Practical Importance of Scientific Interpretation for Legal Proceedings.

Tatyana P. Kesareeva – PhD in Law, Associate Professor, Prosecutor in the Organisation and Inspection Division at the Public Prosecutor’s Office of the Moscow Region.

Sergey V. Nekrasov – PhD in Law, Senior Lecturer in the Department of Criminal Law and Procedure at the Military Technical University.

In the article, the authors focus attention on certain provisions of criminal law analysing them from the position of in demand accounting for the development of criminal procedural rules. Specific rules of procedural and substantive law are clearly subjected to scientific interpretation, accompanied by applying an aggregate of special methods and techniques corrected in a way as to have considerable significance for practitioners.

Keywords: criminal law provisions; criminal procedural rules; development; corrected interpretation.

A New Understanding of the Essence of Evidence in the Science of Russian Criminal Procedure.

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

For the first time in the domestic science of criminal procedure, an original concept for understanding of the essence of evidence in criminal cases is proposed and substantiated. According to the author, in determining the evidence in criminal proceedings, it is important to make sure that all required criteria of it are met. And these are admissibility, relevance, reliability, and sufficiency. The given criteria define the very concept of evidence in criminal procedure, relating entirely to their content and procedural form.

Keywords: evidence; evidence content; form of evidence, admissibility of evidence; relevance of evidence; reliability of evidence; sufficiency of evidence; criteria of evidence in criminal procedure.

International Investigative Group as One of the Forms of Collective Method for Detection and Investigation of Crimes: Current State and Development Prospects.

Ivan A. Popov – Doctor of Laws, Professor, Senior Research Fellow of the Fifth Research Center for Criminal and Procedural Legislation Development and Research on Issues of Preliminary Investigation at the All-Russian Research Institute of the MIA of Russia.

On the basis of the analysis of scientific publications concerning international experiences in cooperation for fighting against criminality, including the use of collective method for crime detection and investigation, and provisions of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Kishinev, October 7, 2002), as well as criminal procedural laws of a series of foreign states, the author justifies the conclusion that there is a need to add to the RF CPC a corresponding article regulating the grounds for creating international investigative groups and procedures of their operation, proposing his own version of the given legal regulation. The article also considers the question of how officers who carry out operational-search activities operate when being part of an international investigative group.

Keywords: international law-enforcement institutions; European Police Office – Europol; collective method for crime investigation; joint investigative team; operational-search activity; joint investigative group; joint international investigative task group; international investigative group.

CRIMINOLOGY

Countering Ethnic Crime in the Russian Far East.

Anna S. Avetisyan – PhD student in the Department of Criminal Law at the Far- Eastern Federal University Law School.

The article discusses some aspects of the problem of ethnic crime in the Russian Far East as an individual topical scientific problem. Certain issues of contemporary ethnic processes in that region are analysed. The main features and types of ethnic crime are identified. Recommendations on how to counter ethnic crime are also suggested.

Keywords: counteraction; crime; ethnic crime; ethnic processes.

A Typology of Russia's Regions and Their Role in the Study of the Causes of Territorial Differences of Crime.

Dmitry V. Bakharev – PhD in Law, Head of the Department of Economics and Law at Surgut State Pedagogical University.

The article makes topical the problem of application of modern typologies of Russian regional systems in studying the causes of crime. An analysis is presented of the main viewpoints prevailing in the domestic regionalism science on the formation of the main classification criteria used in identifying typical groups of regions.

Keywords: regional development; causes of crime; typology; classification; level of economic development of a region; types of regions; territorial (spatial) approach; comparison.

Improving the Effectiveness of Prevention and Suppression of Acts of Unlawful Interference in Air Transport.

Valery V. Komarov – Lecturer in the Department of Control over Internal Affairs Agencies in Special Conditions at the Academy of Management of the MIA of Russia.

In fact, the objects of air transport with respect to the category of 'transport security' are a form of a variety of objects with the use of which terrorist acts may be committed. In this regard, it is necessary to ensure the safety of such facilities against acts of unlawful interference. The effectiveness of these activities needs to maintain a high level. The author gives details about some of the barriers to improving the efficiency of these activities proposing specific measures aimed at its improvement.

Keywords: transport security; air transport; terrorism; profiling.

'Receptiveness to Recruitment' of the Perpetrator of High Treason as Wrongful Socio-Psychological Phenomenon.

Konstantin M. Lobzov – Doctor of Military Sciences, Professor of the Department of Information Security at the Institute of Public Management, Law and Innovative Technologies.

The article discusses the author's theoretical and methodological approach to the analysis of 'receptiveness to recruitment' of a perpetrator of high treason as the ability of a person to commit a crime of high treason at the highest level of criminal contamination of his personality.

Keywords: person's receptiveness to recruitment'; person's vulnerability to recruitment; high treason; legal sustainability factor of an individual; criminal contamination of an individual; mechanism for recruiting an individual; motive for cooperation; motive for treasonable intentions; moral norms; legal norms; betrayal; social directive; theory of operational-search activities; spy syndrome.

Criminal Professionalism in the Post-Soviet Period: Transformation of Signs and Its Determination.

Anna L. Repetskaya – Doctor of Laws, Professor, Deputy Director for Science at Irkutsk Law Institute of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article analyses the changes in criminal professionalism in the post-Soviet period. Herewith, not only the transformation processes themselves are mentioned and described but also their determining factors. Thus, in the analysis of the key signs of criminal professionalism the following is noted: the transformation of the content of criminal qualification in typical types of criminal occupations (the disappearance of some and emergence of the others; the

universalisation of criminal activities, the process of leveling skills and abilities in relation to some of the newly emerging criminal professions, the transformation of legal professionalism into criminal); the loss of opportunity to identify professional criminals by means of traditional elements (slang, tattoos, depositing money into common fund), indicating the existence of their ties with criminal world, etc. As factors that determine such changes the following factors are stated: the changes in social relations; the development of scientific and technical progress; the growth of irrational demands of the population, greatly induced by the actors of criminal markets for goods and services that are prohibited for legal circulation; the demand for criminal labor market; and criminal rationalism of social being.

Keywords: criminal professionalism; professional crime; criminal profession; specialisation and qualification of criminal activity; jargon; tattoos; common fund; criminal rationalism of social being.

An Interdisciplinary Approach to the Definition of Extremism.

Inna V. Sarycheva – PhD Student in the Department of Criminalistics at Krasnodar University of the Ministry of Internal Affairs of Russia.

The article analyses the problems of the definition of extremism at the present stage of scientific development. A comparative analysis of similar concepts with extremism has been carried out through an interdisciplinary approach. The author substantiates the need to define more precisely the concept of extremism, which is an acute and pressing problem of contemporary Russian society, having an epistemological character.

Keywords: extremism; federal law; social phenomenon; comparative analysis.

CRIMINALISTICS

The Criminalistics Theory of Overcoming the Opposition to Investigation.

Valery N. Karagodin – Doctor of Laws, Professor, Deputy Director of the Institute for Professional Development of the Investigative Committee of the Russian Federation / Head of the Yekaterinburg branch.

The article analyses the key elements of the criminalistics theory of overcoming the opposition to investigation, the process of its formation and development. The author justifies the possibility and need for further development of the criminalistics theory of overcoming the opposition to investigation.

Keywords: concealment of a crime; opposition to investigation; modus operandi; techniques and methods of investigation.

Systematicity as Attribute of Tactical Criminalistics Operation.

Alexsey S. Knyazkov – PhD in Law, Associate Professor in the Department of Criminalistics at the Tomsk State University Law Institute.

The article focuses on the methodological problems of tactical criminalistics operation as systems formation. With the systems approach are analyzed the concept and essence of tactical criminalistics operation, its relationship with the concepts of tactical criminalistics combination and tactical complex, as well as operational-search operation. The author concludes that considering tactical criminalistics operation as a single set of investigative, operational-search and other actions reflect a systemic-structural aspect of systems approach to the given phenomenon.

Keywords: tactical criminalistics operation; tactical potential of tactical criminalistics operations; systems approach; systemic-structural aspect; systemic-functional aspect; structure of tactical criminalistics operation; scheme and model of tactical criminalistics operation.

Criminalistics and Adversarialism between the Parties in Criminal Justice Process.

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

Is it not the time to change the scientific paradigm of criminalistics? This is the question posed in the article. In order to answer it, the relationship between criminalistics and criminal proceedings is examined. It is investigated to what extent criminalistics comply with the new democratic values, which are now proclaimed in criminal proceedings, in particular, the adversarial principle. Criticisms of the scientific paradigm of criminalistics are also analysed. The author concluded that the scientific paradigm of criminalistics is sufficiently consistent with the modern democratic ideas in criminal proceedings, including as well the adversarial principle.

Keywords: criminalistics; scientific paradigm; criminal justice process; adversarialism between the parties.

The Essence of Criminalistics Method.

Vladimir N. Terehovich – Doctor of Laws, Associate Professor, Sworn Advocate at the Bar of Sworn Advocates of Latvia.

Elita V. Nimande – Doctor of Laws, Associate Professor in the Department of Criminal Law Sciences of the Law Faculty at the University of Latvia.

The article, from the standpoint of logics of obtaining and systematization of scientific knowledge, examines the questions of defining a system of methods of criminalistics cognition.

Keywords: criminal law enforcement; theory of criminalistics; methods of criminalistics cognition.

History of Origin, Prevention, Detection, Solution, and Investigation of Transnational Crimes.

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

At the present stage of the development of the world community in the context of globalization, the most pressing concern of criminalistics and related sciences under criminal law cycle is to construct a theoretical framework for the investigation of transnational crimes and shape recommendations to fight against them. The article is devoted to the examination of the causes of transnational crime, the stages in combating this phenomenon, as well as the formation and development of methods for the investigation of transnational crimes.

Keywords: history; crime investigation; transnational; method.

Problems of Choosing the Optimal Sequence of Investigative and Other Actions in Criminal Cases.

Aleksandr A. Cheburenkov – PhD in Law, Senior Lecturer in the Department of Criminal Law, Criminalistics and Criminology of the Law Faculty at Ogarev Mordovian State University.

The article looks at the topical problems of choosing the optimal sequence of investigative and other actions in relation to the development of effective methods of investigation of certain types of crime and dealing with a variety of tactical problems in specific investigative situations. Based on the analysis of the general recommendations proposed in literature on the formation of unambiguous and alternative sequences of investigative actions, it is noted that there is a need to develop more specific criteria for determining the optimal sequence of investigative and other actions in a criminal case. As such criteria, the author proposes a temporary, evidentiary information, and tactical organisation principles. By choosing the most appropriate principle in the current situation of investigation, the investigator may determine in accordance with it, the overall scheme of priorities for conducting investigative actions and other activities in a specific case, using forensic recommendations on choosing individual actions and their mutual combinations.

Keywords: investigation; investigative and other actions; combination; sequence; priority; choice; optimality; criterion; recommendation; investigative situation.

Illegal Purchase, Manufacture, Processing, Storage and Transportation of Potent and Toxic Substances with Intent to Distribute.

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

The article discusses in detail the most common actions in illicit trafficking of potent and toxic substances. It focuses not only directly on the method of committing crimes in this field, but it also draws attention to the preparation and concealment of those crimes. The author also demonstrates the differences between illegal manufacture and processing, as well as between illegal storage and transportation of those substances.

Keywords: potent and toxic substances; purchase, manufacture, processing, storage and transportation with intent to distribute; method of crime; preparation to commit a crime; crime concealment.

FORENSIC EXPERT EXAMINATIONS

Working with Ricochet Marks of Bullets Fired from MPTs (7N7) 5.45 mm Pistol Cartridges on Ceramic Bricks When Examining the Scene of an Incident.

Aleksey A. Pogrebnoy – PhD in Law, Senior Lecturer in the Department of Traceology and Ballistics at Volgograd Academy of the Ministry of Internal Affairs of Russia.

The aim of the article is to provide the participants of operational investigation groups at the scene of incidents connected with the usage of firearms with the key information concerning the use of ricochet marks to search for bullets and establish the exact location from which a shot was fired. The article is based on empirical material presenting the results of experimental shots from 5.45 mm compact self-loading pistol with MPTs (7N7) cartridges and steel core bullets fired at M-150 solid red ceramic bricks. During the experiments, the angles of rebound of bullets at different angles of impact were being determined and recorded, as well as the morphological and dimensional characteristics of ricochet marks. Photos of those marks were also taken. Based on the analysis of the obtained samples, the author has identified certain patterns in relation to the angle of rebound of bullets depending on angles of impact suggesting methodical recommendations on how to determine the bullet's flight direction and the angle at which it strikes an obstacle. The article demonstrates the techniques of solving the ultimate task which is to determine the shooter's location and detect the bullet. The recommendations are accompanied with photographs and schematic illustration.

Keywords: ricochet; traces of a shot; MPTs (7N7) 5.45 mm pistol cartridge; incident scene examination.

The Structure and Content of Specialist Knowledge Needed to Order and Conduct Forensic Accounting Examinations.

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Specialist knowledge for the investigator and forensic accounting expert are different in scope, structure and content, as determined by their different procedural status and role in the investigation of economic crimes. Within the structure of specialist knowledge needed to order and conduct forensic accounting examinations, it is suggested to distinguish between legal, economic, and some other components of forensic accounting expert's knowledge.

Keywords: forensic accounting examination; special knowledge; modern information technologies; objective truth of the case.

LAW ENFORCEMENT AUTHORITIES

Some Issues on the Organization of Activities of Internal Affairs Agencies in Countering Extremism.

Gennady I. Demin – Doctor of Philosophical Sciences, Honorary Professor, Professor in the Department of Control over Internal Affairs Agencies in Special Conditions at the Academy of Management of the MIA of Russia.

Grigory I. Kibak – Lecturer in the Department of Control over Internal Affairs Agencies in Special Conditions at the Academy of Management of the MIA of Russia.

The article provides an overview of the causes of emergence and development of extremism in our country. It also discusses the role of the internal affairs agencies in preventing crimes of extremist nature and ways to improve their activities to combat those crimes, including States members of the Commonwealth of Independent States (CIS).

Keywords: extremism; terrorism; internal affairs agencies; extremist crimes; CIS Member States.

Professional Deformation of Legal Consciousness of Police Officers, Prosecutors and Judges.

Sergey I. Zakhartsev – Doctor of Laws.

The aim of the article is to study professional deformation within police staff, prosecutors, and judges. The author substantiates new versions of professional deformation within law enforcement officers, and concludes on the need to review the approaches to traditional types of professional deformation.

Keywords: legal consciousness; professional deformation; fear of law; legal cynicism; legal self-assurance.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

Problem of Regionalisation of International Criminal Law.

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

The article discusses the problem of regionalisation as a new phenomenon for modern international criminal law. The author identifies three basis grounds underlying the process of regionalisation of international criminal law. Special attention is paid to the possible prospects of regionalisation of international criminal law for the national criminal law system of Russia.

Keywords: international criminal law; globalisation; regionalisation; national criminal law system.

COMPARATIVE JURISPRUDENCE

Main Approaches to the Interpretation of Criminal Law Norms in the USA and England.

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The article looks at the main approaches and problems concerning the interpretation of criminal law norms in the USA and England. A thorough analysis is provided of the characteristic features of the three main approaches to legal interpretation: a) based on the text of a statute; b) based on legislative intent, and c) 'dynamic' approach, which combines all the key traits of the two formers. The need is revealed and justified to search for clearer guidelines on choosing approaches to interpretation, as the existing method of choice often leads to uncertainty and

unpredictability of the interpretation results in every particular case of dispute resolving. The article concludes on the conceptual similarities and differences between the criminal law interpretation approaches in the USA and England, as well as offers a possible algorithm of interpretation theories choice for the resolution of a particular case by the judges in the USA and England.

Keywords: interpretation; criminal law norms; the USA; England; legislative intent; text of a statute.

Expert's Status in Conducting Legal Psychiatric Examinations: A Comparative Legal Analysis of Certain Provisions Contained in the US and RF Legislations.

Irina N. Markina – Assistant Professor in the Department of Criminal Law and Procedure at the Russian State University for the Humanities.

The article deals with the analyses of the status of a legal expert psychiatrist in the US and RF. A comparison is provided of the qualification requirements for the experts who give expert opinion on the issues related to the mental status of a person under examination, the degree of his insanity, etc. Approaches to address this problem are compared from the perspective of the main relevant provisions of Russian and American legislation. Finally, the author concludes that the influence of expert psychiatrists in American legal proceedings gradually decreases, meanwhile expert opinions of psychologists are becoming admissible as evidence.

Keywords: legal expert examination; legal expert; psychiatric-legal examination; legal expert psychiatrist.

Humble Executive Suites.

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The adoption and entry into force of the new Code of Criminal Procedure of Ukraine have aroused great interest and resulted in a debate both in Ukrainian and in Russian scientific community. In the article, the author enters into a debate around the assessments of the new Code, arguing for the need to improve it.

Keywords: Code of Criminal Procedure of Ukraine; improvement of the law.

LEGAL SCIENCE IN PRACTICE

Negative Road Circumstances of a Road Traffic Offence.

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DMITRY D. SELYUKOV – PhD in Technical Sciences, Associate Professor in the Department of Road Engineering at the Belarusian National Technical University.

The article provides an investigation into obvious and latent negative road circumstances of a road traffic offence. Initial data necessary for expert appraisal are analysed. Problems with ordering and carrying out a road traffic expert examination in criminal cases are also explored. The authors have formulated certain suggestions on how to avoid expert mistakes and establish individual responsibility for the unconformity of the road with the requirements of safe movement of vehicles.

Keywords: problems with ordering and carrying out a road traffic offence examination; road traffic expert examination; negative road circumstances.

[On the Problem of Ensuring the Safety of Participants in Criminal Proceedings.](#)

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In the Kaliningrad region, a company named “INOK” (Centre for Information-Based Business Services) has conducted for more than ten years a “Professional Lawyer” contest, which is attended by mostly young lawyers who are supposed to answer 10-12 topical law-related questions. Typically, those questions concern pressing issues of civil law, criminal law, criminal procedural law, criminalistics, and legal psychology. Questions are shaped by experts of various government and public organisations. In 2012, the contestants were asked to answer, among other questions, the questions concerning the actual safety of persons contributing to justice. The article summarizes the results of the contest in this part.

Keywords: contest; safety of persons contributing to justice.

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