

### OPINION

#### **In the wake of parliament hearings ... (notes in the margin)**

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

The article deals with the most pressing problems of the criminal justice requiring attention and resolution.

*Keywords:* criminal proceedings; parliamentary hearings; criminal policy; the concept of development.

### DISCUSSION FORUM

#### **Studies of problems of criminal procedural law of evidence should be elaborated and correct.**

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

The involvement of the different branches of knowledge into the theory of criminal process is able to enrich it and to fill it with new content. However, the procedural science gives birth, more and even more often, to studies which suggest for discussion the works whose authors highlight the tool kit (we do not dare to call it a methodology) perceived by them, rather than any procedural and legal matter. At times, it is hard to imagine what are practical reasons of such toolkit form the criminal procedural law and the criminal process. The motive for this article are speeches of S.B. Rossinsky about the problems of the criminal process science, about specific features of adversariality in the criminal judicial proceedings, about non-verbal investigative action, etc., which speeches give rise to unfavorable fundamental criticism.

*Keywords:* science of criminal process; criminal procedural law; theory of proving; criminal procedural cognition; adversariality.

### CRIMINAL LAW

#### **Toward prospects for application of mathematical methodologies when imposing criminal punishment**

**Vilen V. Avanesyan** – PhD in Law, Leading Expert in Criminal Legal Head-Office at Legal and Treaties Department of the Ministry of Internal Affairs of the Russian Federation.

**Svetlana V. Ryazantseva** – PhD in Law, Associate Professor, Senior Expert in Criminal Legal Head-Office at Legal and Treaties Department of the Ministry of Internal Affairs of the Russian Federation.

The article considers possibility of application of mathematical methodologies for imposition of criminal punishment, as well as suggests an optimal algorithm for determining the type and amount of punishment for the committed crime.

*Keywords:* mathematical methodologies; imposition of punishment; medium amount of punishment; types of punishment.

#### **Problems of criminal legal aspects of fire safety**

**Vadim V. Antonchenko** – PhD in Law, Deputy Head for educational and scientific work at Far Eastern Fire Safety Academy – branch of St. Petersburg State Fire Safety Service University of the Ministry for Emergency Situations of Russia.

**Anna S. Kovsharova** – Lecturer in the Department of humanitarian and socio – economic disciplines at the Far Eastern Fire Safety Academy – branch of St. Petersburg State Fire Safety Service University of the Ministry for Emergency Situations of Russia.

The article is devoted to consideration of provisions of criminal law which determine the character of protection of humans, of their rights and freedoms, their bodily security, security of the society and the state, in the area of fire safety. Having analyzed the provisions of Part 2 of Article 167, Article 168, Article 219 and Article 261 of the Criminal Code of the Russian Federation, the authors come to a conclusion that the criminal law fails to provide any efficient tools for successful protection of public interests in the area of fire safety. For integrated and full reflection of the essence of socially dangerous

acts in the said area, the authors suggest a version of the legal rule which would consistently implement fire safety as one of the most important public values.

*Keywords:* fire; fire safety; violation of fire safety rules; object of crime; criminal legal policy.

## CRIMINAL PROCEDURE

### **Expert opinion as a derivative evidence («hearsay») in the context of legal positions of the European Court of Human Rights**

**Elena I. Galyashina** – Doctor of Laws, Doctor of Philological Sciences, Professor, Deputy Head of the Department of Legal Expertise of the Institute of Forensic Examinations at Kutafin Moscow State Law University.

**Nikolay V. Galyashin** – PhD Student in the Department of Criminal Procedural Law at Kutafin Moscow State Law University.

The article considers controversial issues of assessment of the opinion and evidence of the expert, obtained in the course of pre-trial proceedings in a criminal case, as derivative evidence of the «hearsay» category in the context of legal positions of the European Court of Human Rights. In case an expert fails to appear for interrogation in the court session, for the avoidance of a violation of conventional rights for fairness of the proceedings and, for interrogation of the witness testifying against the defendant, it is suggested to extend powers of the attorney for the defense in respect of contestation of the opinion of the expert and in respect of putting questions to the expert regarding the opinion given by him/her, including that in case of assistance from specialists.

*Keywords:* criminal proceedings; right for fairness of the proceedings; European Convention for the Protection of Human Rights and Fundamental Freedoms; expert opinion; evidence of expert; specialist; derivative evidence; «hearsay» evidence.

### **Toward classification of types of opposition to judicial proceedings**

**Pavel I. Zinchenko** – PhD in Law, Associate Professor in the Department of Criminal Law Disciplines at Derzhavin International Slavic Institute.

The article studies the approaches existing in the science, toward the issue of classification of opposition to judicial proceedings according to its legal nature and, their specific features are described. On the basis of results of the study, the author suggests his own classification of the type of opposition on the said ground.

*Keywords:* court; state prosecutor; judicial proceedings; overcoming of opposition; abuse of the right; procedural and non-procedural opposition

### **Problematic aspects of compensation for moral harm in the procedure of rehabilitation**

**Igor M. Komarov** – Doctor of Laws, Professor in the Department of Criminalistics at Lomonosov Moscow State University.

**Vitaly A. Potetinov** – Deputy Head in the Department of Criminal Law Disciplines at Belgorod Law Institute of the MIA of Russia.

The article considers problematic issues of determining and assessing the scope of the moral harm which has been caused and which is subject to compensation in the procedure of rehabilitation. Comparative analysis is made of the provisions of criminal procedural legislation and civil legislation; in accordance with which, the authors substantiate their suggestions for statutorization of the notion of «moral harm» by the Criminal Procedural Code of the Russian Federation.

*Keywords:* rehabilitation; moral harm; procedure for compensation of moral harm.

### **Examination as investigative action: notion, procedural order, difference from administrative examination**

**Vladimir Yu. Stelmach** – PhD in Law, Associate Professor in the Department of Criminal Procedure at the Ural Law Institute of the MIA of Russia.

The article analyzes differences between examination as an investigative action and similar administrative legal procedures (examination for intoxication), as well as verification activities carried out at the stage of institution of a criminal case (forensic medical examination). The author considers disputable and problematic issues of institution and conduct of examination in criminal proceedings. The author argues for possibility to enforce this investigative action and, for admissibility, within the framework of

examination, to inspect the clothes available with the person, as well as withdrawal of microparticles present on the body of the person being examined.

*Keywords:* criminal proceedings; preliminary investigation; investigative actions; examination.

## CRIMINAL EXECUTIVE LAW. PENITENTIARY SYSTEM

### **A trend toward extension of the subject matter of criminal executive law: methodological approaches**

**Yulia A. Golovastova** – PhD in Law, Head of the Department of Constitutional Law Disciplines at Moscow University named after S. Witte (Ryazan branch).

The article considers problems of perception of extension of the subject matter of criminal executive law. The article performs comparative legal analysis of two different forms of implementation of criminal responsibility: criminal punishment and other measures of criminal legal character. The author analyzes various approaches which provide legal insight into other measures of criminal legal character. The author opines on extension of the sphere of criminal executive law. In the study of the signs characteristic for other measures of criminal legal character, the following criminal legal categories are delineated: «other measures of criminal legal character» and «measures of criminal legal character». The author of the article formulates her conclusion that the subject matter of criminal executive law should include execution of other measures of criminal legal character, which act as a form of implementation of criminal responsibility.

*Keywords:* subject matter of criminal executive law; branch of criminal executive law; criminal executive relations; form of implementation of criminal responsibility; criminal punishment; other measure of criminal legal character.

## CRIMINOLOGY

### **Criminological characterization of personality of a computer criminal in modern Russia**

**Konstantin N. Evdokimov** – PhD in Law, Associate Professor in the Department of Constitutional Law Disciplines at Irkutsk Law Institute (branch) of the Academy of the General Prosecutor of the Russian Federation.

Over recent years, computer crime in the Russian Federation has achieved a large scale, acquiring an organized, transnational and trans-boundary character. On the basis of most recent materials of judicial and investigative practice, the article analyzes the criminological characterization of personality of a computer criminal and synthesizes his/her typical criminological portrait. The article conducts comparative analysis of changes in the personality properties of a computer criminal over the 10-year time period, from 2006 through 2016. The data obtained help to make a conclusion about physiological, intellectual, professional and social ageing of the statistically average criminal who commits illegal acts envisaged by Articles 159.6, 272, 273 and 274 of the Criminal Code of the Russian Federation.

*Keywords:* computer crime; crime in the computer information area; computer-related crimes; a computer criminal; personality of criminal.

### **Persons without a steady source of income as a factor of solved thefts and general crime in Russia (2003–2014)**

**Sergey G. Oljkov** – Doctor of Laws, Professor, Head of the Department of State and Law Theory and History at Surgut State University.

The purpose of the article is to identify two criminological laws: 1) influence of persons without a steady source of income on general crime; 2) influence of persons without a steady source of income on case of theft.

*Keywords:* criminology; crime; theft; persons without a steady source of income; criminological laws; variables; parameters.

### **Internet and drugs**

**Larisa I. Romanova** – Doctor of Laws, Professor, Professor in the Department of Criminal Law and Criminology, Head of Drug and Destructive Influence Prevention Centre at the Far Eastern Federal University Law School.

The article considers problems of propagation of drugs by means of limitless opportunities of the modern-day Internet. The article shows the key historical stages of use of the Internet for p-osting propaganda and

advertising information on manufacture, purchase, consumption and delivery of narcotic drugs and psychotropic substances. The article analyzes the legislative base used for struggle against online drug-related crimes and protection of the oncoming generation against maleficent information on drugs.

*Keywords:* narcotic drugs; psychotropic substances; Internet; «shadow Internet», drug-related crimes; laws.

### **Criminological characterization and prevention of juvenile and youth crime**

**Anton E. Shalagin** – PhD in Law, Associate Professor, Head of the Department of Criminology and Criminal Executive Law at Kazan Law Institute of the MIA of Russia.

The article gives criminological characterization of the juvenile and youth crime. The article singles out its causes and conditions, as well as analyzes personality of the criminal. The article demonstrates the anti-social trend of some youth associations. Attention is paid to specific features of the subculture of juveniles and youth. The author suggests measures aimed at minimization of crimes among young persons.

*Keywords:* crime of teenagers; youth crime; personality of a criminal; causes and conditions of crime; anti-social youth associations; juvenile-cum-youth groupings; prevention of crime.

## **CRIMINALISTICS**

### **Criminalistic aspects of international cooperation. Part II. Some specific features of cooperation, participation of competent persons and planning**

**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 findings of the sociological studies of the author and studies of the practice of international cooperation in the area of criminal proceedings in criminal cases, the author gives coverage to some criminalistic aspects of this activity in close connection with specific features of its criminal and procedural regulation; recommendations are proposed that are aimed at improvement of effectiveness and efficiency of such cooperation; some areas are determined for further criminalistic studies in this area.

*Keywords:* international collaboration in the area of criminalistic proceedings; a request for legal support; criminalistic support; competent persons in criminalistic proceedings; collaboration of the investigator with specialists and competent persons; opinion of the specialist on legal matters; planning.

### **Specific features of version work in case of crimes against property, committed on transportation vehicles**

**Oleg P. Gribunov** – PhD in Law, Associate Professor, Head of the Department of Criminalistics at East Siberian Institute of the MIA of Russia.

The article is devoted to the study of version as the key criminalistic category. The version work is one of the most important elements of criminalistic support of crime solution and investigation, because crime investigation, as an activity, is always characterized by contextuality. It is namely on the basis of analysis of informational awareness of the crime, as well as the analysis of the status of investigation processes taken shape as of any certain time, that the investigator develops the investigation tactic, including that for crimes against property, committed on railway and on aircraft.

*Keywords:* version; investigative situation; investigation of crimes; crime against property; railway and air transport; investigative action.

### **Some issues of differentiation of subjects of use and application of special knowledge in criminalistic theory**

**Svetlana I. Zemtsova** – Lecturer in the Department of Criminalistics at the Siberian Law Institute of the Federal Drug Control Service of the Russian Federation.

On the basis of linguistic analysis of the meaning of the verbs «apply» and «use», the article substantiates a position on possibility of differentiation of subjects of special knowledge into two groups: 1) those using this knowledge; 2) those applying it. In this regard, the author argues for the point of view that the first group (of those who use special knowledge) includes the attorney of defense and the judge, rather than only the persons who carry out preliminary investigation and interrogation. The second group (of those who apply special knowledge) includes the expert and the specialist. Particular focus is placed on the disputable issue of possibility to categorize teachers, psychologists and translators as specialists or other participants of judicial proceedings.

*Keywords:* special knowledge; teacher; psychologist; specialist; translator; attorney of defense; investigator; interrogator.

### **Identification of person of the suspect and the accused by means of criminalistic dactyloscopy: problems and prospects**

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

The necessity of development of a modern methodology for identifying the person of the suspect and the accused in a criminal process is driven by demands of the searching, investigative and expert practices, as well as by requests of courts on improvement of investigation quality. In the course of pre-trial proceedings, employees of investigative and operative units often face difficulties in reception and procedural fixation of legally significant information which contains personal data on the persons who are suspect or accused of crimes. Such data include family name, first name and patronymic and the date of birth. One of the areas for improvement of the personal identification institute for the suspects and the accused in criminal proceedings is improvement of current technologies of criminalistic dactyloscopy and introduction of new technologies of criminalistic dactyloscopy

*Keywords:* personal identification; personal data; dactyloscopic registration; fingerprints; operative, reference-, criminalistic and search registration in the Interior Ministry of Russia.

### **Criminalistic version: the meanings used and the place within the system of hypotheses**

**Vladimir I. Parshikov** – PhD in Law, Senior Lecturer in the Department of Criminalistics at Kutafin Moscow State Law University.

The article considers various aspects of understanding of the «version» term. The author critically analyzes the traditional opinion of version as a variety of a private hypothesis. The author provides arguments that version is a variety of single hypothesis.

*Keywords:* version; system of hypotheses; single hypothesis.

### **Criminal record as a private criminalistic theory**

**Ilya V. Perebaskin** – Lecturer in the Department of Criminal Law at Military Unit 2351 (Kurgan).

In the article, criminalistic record is considered as a private criminalistic theory with its inherent stages of initiation and progression. The criteria are specified which a scientific theory should correspond to. Such elements of a doctrine as subject matter and object are disclosed. The author studies scientific foundations of criminalistic record and discloses its interaction with other private criminalistic theories. The functions are determined.

*Keywords:* private criminalistic theory; criminalistic record; registration; system; criminalistically significant information; investigation of crimes.

### **Situational approach to organization and planning of tactical operations. Tactical algorithm**

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

The article is devoted to an issue which is the most relevant for forensic science – the usage of the situational approach in the system of methodology of crime investigation; the publication gives the criminalistic substantiation of the situational approach, suggests its theoretical and applied definitions, substantiates the significance of the situational approach in the process of planning and organization of tactical operations of preliminary investigation.

*Keywords:* situational approach; tactical operations.

### **Toward the usage of remotely controlled aircraft with cameras in investigative inspection**

**Denis N. Sretentsev** – PhD in Law, Senior Lecturer in the Department of Criminalistics and Preliminary Investigation at Orel Law Institute of the MIA of Russia named after V.V. Lukyanov.

The article substantiates the opportunity to use remotely controlled aircraft with cameras in the investigative inspection. Their use is related to requirements of the criminal procedural legislation currently in effect, criminalistic principles and recommendations. The author denotes the typical situations which necessitate to use such equipment both for the purpose of fixation of the situation in the place of investigative inspection and as a search tool; some recommendations of criminalistic character are cited.

*Keywords:* investigative inspection; crime investigation; technical criminalistic tool; estimated methodology of study; remotely controlled aircraft; quadrocopter.

### **Scientific and technical support of investigation of crimes associated with narcotic drugs, psychotropic, 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.

**Vadim V. Gladyshev** – Chief Expert in the Department of the Examinations with the use of Chemical Methods at Forensic Science Center of the MIA of Russia.

E-mail: vad.431@gmail.com; vgladyrev@mvd.ru

The article pays attention to the state-of-the-art technical tools which are currently supplied to units of law enforcement authorities involved in investigation of crimes in the area of illegal circulation of narcotic drugs, psychotropic, potent and poisonous substances; the authors consider viewpoints of leading forensic scientists in respect of technical support of investigation of the crimes; author's classification of technical tools used in investigation of cases in this category is given.

*Keywords:* technical tools; investigation of crimes; narcotic drugs, psychotropic, potent and poisonous substances; classification.

## **FORENSIC EXAMINATIONS**

### **Scientific, methodological and informational support of technical and criminalistic enquiries and studies of documents: organizational aspect**

**Natalia N. Shvedova** – PhD in Law, Associate Professor, Professor in the Department of Forensic Expert Activity Fundamentals at Volgograd Academy of the MIA of Russia.

The article considers some organizational aspects of the currently important area of modern judicial and expert activities – scientific, methodological and informational support of technical and criminalistic examinations and studies of documents. The author analyzes various approaches to the content of this notion and emphasizes that the solution of the organizational problems centers around creation of the uniform information space of judicial and expert activities. The article proposes a structure of the uniform information space of the area under consideration and concludes that for its creation, integration of efforts by all subjects of judicial and expert activities is required, therefore, it is necessary to have the appropriate regulatory base. The author proposes to restore, in the draft new Federal Law «On judicial and expert activities», the provisions obligating all organizations to provide the necessary reference information upon requests of heads of the governmental judicial and expert organizations.

*Keywords:* judicial and expert activities; scientific, methodological and informational support; technical and criminalistic examinations and studies of documents.

## **COMPARATIVE LAW**

### **Procedural status of examination carried out upon request of lawyer (according to the Criminal Procedural Code of the Republic of Kazakhstan)**

**Lada F. Paramonova** – PhD in Law, Chief Expert at the Institute of Forensic Examination in the Pavlodar region, Forensic Examination Center of the Ministry of Justice of the Republic of Kazakhstan.

The article carries out comparative legal analysis of provisions of the Criminal Procedural Code of the Republic of Kazakhstan which regulate the procedure for appointment and organization of examination upon a resolution of the authority which conducts a criminal process, and upon request of the lawyer who participates in the case as the attorney of defense. On the basis of findings of the analysis, a conclusion is made that the examination carried out upon request of the lawyer is forensic by its status.

*Keywords:* forensic examination; lawyer's request; expert study; status of examination.

### **Criminal procedural comparative science: the notion, the levels, statement of findings, errors and their prevention**

**Aleksandr A. Trefilov** – PhD in Law, Senior Researcher in the Department of Criminal Legislation and Judicial Organization of Foreign States at the Institute of Legislation and Comparative Law under the Government of the Russian Federation.

In this article, the author considers the issue of the essence of comparative legal science in the area of criminal procedural law, analyzes the levels and the ways of statement of the material. The author gives recommendations for prevention of errors in such studies.

*Keywords:* criminal procedural legal science; criminal process; foreign countries.

## FROM LEGAL SCIENCE TO PRACTICE

### **Methodological foundations of investigation of crimes. Part III. Criminalistic versions within the structure of methodological fundamentals of crime investigation: principles of advancing and checking**

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

The article substantiates that the reasonable processing, by the investigator, of the mechanism of formation of marks occurred as a result of committal of a crime of a criminalistically certain type, in case of investigation of such crime in some or other investigative situation (see 2 previous articles of this cycle on such fundamentals of investigation methodology), is possible only as a result of his/her theoretically meaningful version activity. The author considers, from these perspectives and in depth, the essence and classification of the investigative versions and, the principles of their advancing.

*Keywords:* investigative versions, consequences of investigative versions, principles for checking the versions.

## SCIENTIFIC LIFE

### **Topical problems of interaction between criminal law and administrative law of tort: a review of the round table discussion**

**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.

The brief overview precedes publication of materials of the round table discussion devoted to problems of interaction and interconnection of criminal law and administrative law.

*Keywords:* scientific and practical events; round table discussion; interaction of criminal law and administrative law.

### **Vectors of formation of the «area of criminal law» within the case law of international courts**

**Andrey A. Aryamov** – Doctor of Laws, Professor, Professor in the Department of Criminal Law at the Russian State University of Justice.

The author of this article has made a laconic overview of modern trends in the development of the judicial practice of international courts (first of all, the European Court of Human Rights) in the context of formation of concepts of the so-called “area of criminal law” and the limits of application of criminal repression.

*Keywords:* area of criminal law; case of law; criminal responsibility; blanket provisions; correspondability of various branches of law; international court; international criminal law.

### **On influence of provisions of administrative law on criminal policy**

**Valery B. Borovikov** – PhD in Law, Associate Professor, Leading Researcher in the Department of Criminal Law Studies at the Russian State University of Justice.

The article considers the key forms of influence of provisions of administrative law on the modern criminal policy, including the criminal legal policy. The author pays attention to mutual penetration of institutes of criminal and administrative law, substantiates the proposals on improvement of criminal and administrative legislation.

*Keywords:* criminal policy; criminal legal policy; provisions of administrative law; provisions of criminal law.

### **Public danger of an act**

**Aleksandr V. Brilliantov** – Doctor of Laws, Professor, Head of the Department of Criminal Law at the Russian State University of Justice.

The article considers issues of the notion and content of public danger, considers problems of determining its extent, specifies the circumstances determining the character of a public danger. The article substantiates the thesis stating that a public danger should be determined by personality, rather than by objective properties of the act only.

*Keywords:* public danger; character of public danger; degree of public danger; administrative prejudgement; crime; offense.

### **Criminal legal nature and inter-branch content of administrative supervision**

**Igor I. Golubov** – PhD in Law, Associate Professor, Leading Researcher in the Department of Criminal Law Studies at the Russian State University of Justice.

The article analyzes opinions of researchers and practitioners on the legal nature of administrative supervision; an attempt is made to substantiate the conclusion on the criminal legal nature of administrative supervision, with inter-branch content of this legal institute.

*Keywords:* administrative supervision; criminal legal nature of administrative supervision; inter-branch content of administrative supervision.

### **Concept of «criminal sphere» in the most recent practice of the European Court of Human Rights**

**Dmitry V. Gurin** – PhD Student in the Department of Criminal Law at the Russian State University of Justice; Assistant Lawyer at the Registry of the European Court of Human Rights.

Despite the fact that the concept of «criminal legal sphere» had been elaborated by the European Court of Human Rights almost four decades ago, the respective practice of the Court keeps on its development, identifying new problematic aspects of compatibility of intra-state mechanisms, including Russian mechanisms, of public-law responsibility and the procedural forms corresponding to them, on the one part, and the «criminal legal» guarantees of human rights fixed by the Convention for the Protection of Human Rights and Fundamental Freedoms, on the other part. The article makes an attempt at the most general overview of the current challenges in this area and, an attempt to outline possible ways toward harmonization of the Russian criminal law with provisions of the Convention, in the context of their most recent interpretation by the European Court.

*Keywords:* sphere of criminal law; criminal law and administrative law of torts; Constitutional Court; European Court of Human Rights; criminal law; Convention for the Protection of Human Rights and Fundamental Freedoms.

### **Coordination links between criminal law and administrative law of torts**

**Anna V. Denisova** – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at Samara National Research University named after academician S.P. Korolev.

The article is devoted to analysis of coordination links between two protective branches of the Russian legal system (criminal law and administrative law of torts), by means of an example of the use of such legislative technique as administrative prejudgement in criminal law. On the basis of the study of the current and proposed elements of crime with administrative prejudgement, the author makes a conclusion on necessity of accurate recording of links between the criminal law and the administrative law of torts in the lawmaking and law enforcement activities, about their influence on efficiency of performance of the legal system as a whole.

*Keywords:* criminal law; administrative law of torts; misdemeanor; administrative prejudgement; coordination links; systematicity of law.

### **Legislative initiatives in the area of decriminalization of economic relations**

**Sergey V. Ivantsov** – Doctor of Laws, Professor, Professor in the Department of Criminology at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article considers issues associated with liberalization of the criminal law and reduction of the level of criminalization in the sphere of economic activities. The author analyzes the criminological causality of decriminalization of a number of articles in the economic area and the lawmaking initiatives in this sphere.

*Keywords:* decriminalization; liberalization; economic crime; criminal policy.

### **A crime and an administrative offense: competition or convergence**

**Mikhail A. Kaufman** – Doctor of Laws, Professor in the Department of Criminal Law at the Russian State University of Justice.

The article touches upon the problems which arise against the background of the ongoing process of blurring of lines between a crime and an administrative offense. The author singles out several areas in which such rapprochement takes place. In the view of the author, modern technologies in lawmaking give grounds for a conclusion on acceleration of the process of convergence of these two areas.

*Keywords:* crime; administrative offense; criminal law; administrative law; uncertainty; criminalization; decriminalization.

### **Misdemeanor: some «pro» arguments**

**Aleksey A. Kashkarov** – PhD in Law, Head of the Department of Criminal Law and Criminology at Crimea branch of the Krasnodar University of the MIA of Russia.

**Aleksandr N. Ignatov** – Doctor of Laws, Professor in the Department of Criminal Law and Criminology at Crimea branch of the Krasnodar University of the MIA of Russia.

**Dmitry V. Volkov** – PhD in Law, Lawyer at Crimean Republican Bar Association «ULTIMA FORS».

On the basis of analysis of current research publications in respect of relation between administrative and criminal responsibility, in respect of the role and place of administrative prejudgement in the theory of criminal law and the legislation on criminal responsibility, as well as in respect of conceptual provisions in respect of the theory of misdemeanor, the article formulates some arguments on legislative recognition of misdemeanor in the current Criminal Code of the Russian Federation.

*Keywords:* misdemeanor; administrative prejudgement; criminal law; crime; tort; administrative law; offense.

### **Administrative supervision over a convict and, responsibility for violation of its measures**

**Nikolay R. Kosevich** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Law at the Russian State University of Justice.

The article considers the problematic issues of application of criminal legal provisions with administrative prejudgement on the basis of analysis of research literature, the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocol, resolutions of the European Court of Human Rights, in the context of the non bis in idem principle, and Russian legal regulatory acts. The criminal legal characterization of responsibility for violation of rules of administrative supervision is based on national legal regulatory acts and on resolutions of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation.

*Keywords:* administrative prejudgement, European Court of Human Rights; Constitutional Court of the Russian Federation; Supreme Court of the Russian Federation.

### **Problems of interaction of criminal law and administrative law of torts in the area of public law relations in road traffic safety and operation of vehicles**

**Oleg A. Motin** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Law at the Russian State University of Justice.

The article discloses the specific features of the inter-branch coordination of provisions which stipulate the requirements in the area of road traffic safety and operation of vehicles, with the provisions on responsibility for their violation stipulated by the Code of Administrative Offenses of Russia and the Criminal Code of Russia. The author substantiates impossibility of achievement of the purposes of administrative legal responsibility and criminal responsibility and punishment only by means of ongoing reinforcement of the responsibility measures and increase of the timeframes and amount of the punishment. The author proposes particular organizational, administrative and criminal legal measures whose taking could contribute to implementation of tasks of general and private prevention, as well as to an increase of efficiency of mechanisms of inter-branch interaction.

*Keywords:* criminal law; administrative law of tort; public law relations; administrative prejudgement; safety of road traffic and operation of vehicles; improvement of the law.

### **Crimes and neighboring offenses: the criterion of delineation and its law-enforcement aspect**

**Valery A. Novikov** – PhD in Law, Associate Professor, Leading Researcher in the Department of Criminal Law Studies at the Russian State University of Justice.

The article considers issues of relation between crimes and the administrative offenses neighboring them. As the criterion of delineation, the author names the degree of public danger which is considerably lower for an offense than for a crime. Observance of rules of legislative technique helps to avoid creating any collisions between provisions of criminal law and provision of administrative law of tort. Within elements of a crime, the degree of its public danger can always be underlined by means of objective or subjective signs which should not be present in the elements of neighboring administrative misdemeanors. In this regard, application of appraisal notions is undesirable because they blur the line between types of responsibility.

*Keywords:* public danger of a crime; public harm of an administrative offense; nocuousness; social danger; minor act; discrimination; minor larceny of someone else's property.

### **On interaction between criminal law and administrative law of tort**

**Yuriy E. Pudovochkin** – Doctor of Laws, Professor, Professor in the Department of Criminal Law at the Russian State University of Justice.

The article discloses the key aspects of interaction between criminal law and administrative law of tort, signs of demarcation between crimes and administrative offenses, the relation between criminal responsibility and administrative responsibility.

*Keywords:* crime; administrative misdemeanor; responsibility; administrative prejudgement

### **Cost-cutting on criminal repression and protection of minors against violent encroachments: a search for a compromise solution**

**Aleksandr Yu. Reshetnikov** – PhD in Law, Associate Professor, Leading Researcher in the Department of Criminal Law Studies at the Russian State University of Justice.

The article considers issues of decriminalization of certain violent crimes committed for the first time, and administrative responsibility established for their committal in the context of the law drafted by the Supreme Court of the Russian Federation and the criminal-cum-political trends.

*Keywords:* administrative prejudgment; criminal repression; decriminalization; criminal law; misdemeanor.

### **Interaction between criminal law and administrative law: social needs and reality**

**Vladimir N. Safonov** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Law at the Northwestern branch of the Russian State University of Justice (St. Petersburg)

The article analyzes issues of interaction between provisions of the criminal law and the administrative law of tort: the problem of close provisions of these branches of law, criminal legal provisions with administrative prejudgement. The author believes that provisions of administrative regulatory law remain without proper attention paid on the part of researchers. Certain categories of citizens are left unprotected to non-transparent and sometimes even «blurred» corrupt technologies of adoption of provisions of administrative regulatory law. In the opinion of the author, administrative regulatory law needs greater attention to be paid to it by researchers, lawmakers and the wide public, particularly in what concerns the procedure for adoption of such provisions.

*Keywords:* draft law; interaction of branches of law; administrative prejudgement; administrative law of tort; administrative regulatory law.

### **Delineation between crimes and administrative offenses against electoral rights of citizens**

**Anna V. Serebrennikova** – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Law and Criminology at Lomonosov Moscow State University.

**Daniil D. Kharlamov** – PhD Student in the Department of Criminal Law and Criminology at Lomonosov Moscow State University.

The article considers problems of delineation between crimes and administrative offenses directed against electoral rights of citizens. The authors analyze content of the delimitative signs with regard to the respective elements of crime. The authors come to a conclusion that the provisions stipulating criminal responsibility and administrative responsibility for the acts against electoral rights of citizens are covered by the general notion of the «criminal legal sphere» (criminal matter).

*Keywords:* electoral rights of citizens; criminal legal sphere.

### **Timeframes for administrative prejudgement and problems of consistency of provisions of criminal legislation and administrative legislation**

**Elina L. Sidorenko** – Doctor of Laws, Associate Professor, 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 considers the problems which the practical activity faces in case of application of criminal legal provisions with administrative prejudgement. The main attention is paid to establishing the timeframes within which the person can be brought to criminal responsibility for a repeat committal of an offense,

*Keywords:* administrative prejudgement; criminal responsibility; prejudgment provisions; differentiation of responsibility; individualization of punishment; administrative responsibility; periods of limitation.

### **Relation between criminal responsibility and administrative responsibility of legal entities**

**Marina A. Strukova-Sivoy** – PhD in Law, Lecturer in the Department of Criminal Law at the Russian State University of Justice.

The article considers the issue on possibility of introduction of criminal responsibility in the Russian Federation on the basis of analysis of the draft Federal Law No. 750443-6, «On amending certain legislative acts of the Russian Federation in connection with introduction of the institute of criminal responsibility of legal entities». The article considers the international legal aspects associated of criminal responsibility of legal entities in respect of Russia. When writing the article, methods of comparative legal science, comparison and comprehensive analysis of texts of legal regulatory acts were used. It is obvious that, in the course of time, criminal responsibility of legal entities will be embodied in criminal legislation of Russia. In this connection, it seems advisable to study foreign experience, for identification of the best concept of criminal responsibility of legal entities.

*Keywords:* criminal and administrative responsibility of legal entities; legal entities; administrative offense; legislation of foreign countries; implementation of provisions of international law; environmental crimes.

### **Areas of extension of exemption from criminal responsibility (in conjunction with administrative legal aspects)**

**Anatoly A. Tolkachenko** – Doctor of Laws, Professor, Senior Researcher in the Department of Criminal Law Studies at the Russian State University of Justice, Honored Lawyer of the Russian Federation.

The article studies the issue of prospects of extension of the institute of exemption from criminal responsibility and the possible use of the potential of administrative law for such purposes.

*Keywords:* exemption from criminal responsibility; administrative law; liberalization of criminal laws.

### **Prohibition (restriction) of contact with certain persons: prospects of administrative legal, criminal procedural and criminal legal regulation**

**Andrey P. Filchenko** – PhD in Law, Associate Professor, Professor in the Department of Administrative and Finance Law at the Academy of the Federal Penitentiary Service of Russia.

The article presents the author's concept of restriction of the human right for free contact by means of stipulating a special prohibition on contact with certain persons. According to the established theoretical model, if such is required by safety of the victim, prohibition of contact should find its place in the administrative, criminal procedural and criminal law. The author proves that prohibition of contact can be seamlessly built into the system of Russian legislation and can serve the purpose of prevention of crimes, can be used as a restriction within the framework of measures of criminal procedural prevention and, can be applied as another measure of criminal legal character. Solutions are proposed for improvement of the legislation currently in effect.

*Keywords:* human right for free contact; prohibition of contact with certain persons; defense of the victim; other measures of criminal legal character; restrictive measures; protection order.

## **PERSONALIA**

### **Conceptual ideas and works of A.B. Solovyov in the light of problems of the modern criminal procedural science (to his 80<sup>th</sup> anniversary)**

**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.

The article is devoted to the 80th anniversary of Professor Aleksandr Borisovich Solovyov, Doctor of Legal Sciences. The article gives an overview of the key areas of his scientific studies and the research works published by him.

*Keywords:* criminal procedural science; efficiency of investigative actions; scientific organization of labor of investigator; investigative mistakes; public prosecutor's supervision; the proving in criminal process.

### **On efficiency of provisions of the Criminal Procedural Code of the Russian Federation which regulate activities of participants of criminal proceedings at pre-trial stages**

**Aleksandr B. Solovyev** – Doctor of Laws, Professor.

Success of criminal proceedings directly depends on efficiency of the criminal procedural law and the law-enforcement activity. In this regard, the purpose (targets) of criminal process, as well as many important provisions of the Criminal Procedural Code of the Russian Federation currently in effect, are mostly aimed at serving the interest of the suspect (the defendant, the accused), which objectively prevents protection of public interests, successful investigation of crimes and, eventually, complicates struggle against crime. At the same time, over recent years the status and level of crime are, as before, characterized by negative trends, while activities of controlling and law-enforcement authorities have major deficiencies. Among other reasons of this state of affairs, a question naturally arises of efficiency of the criminal procedural law per se, which efficiency is customarily determined, from the theoretical perspective, on the basis of achievement of the target contemplated in its adoption. In the opinion of the author, the essential deficiencies mentioned by the article require changes to be made to the concept of pre-trial stages and to a number of fundamental provisions of the Criminal Procedural Code of the Russian Federation, for the purpose of increasing the efficiency of the criminal procedural law.

*Keywords:* criminal proceedings (criminal process); pre-trial- and judicial stages of criminal process; the purpose and principles of criminal proceedings; purposes and targets of criminal process; adversariality; participants and subjects of criminal procedural activities; public interest and personal legitimate interests; efficiency of criminal procedural law and efficiency of law enforcement; public prosecutor's supervision and judicial control; main and additional procedural functions.