

**CRIMINAL PROCEDURE**

**Problems of ensuring the right of person for privacy, personal and family secrets when using electronic information media in proving under criminal cases**

**Olga I. Andreeva** – Doctor of Laws, Associate Professor, Head of the Department of Criminal Procedure, Prosecutor's Supervision and Law-Enforcement Activities at Law Institute of National Research Tomsk State University.

**Oleg A. Zaytsev** – Doctor of Laws, Professor, Prorector for Science at Moscow Academy of Economics and Law.

The article deals with the problems of ensuring the right of person to privacy, personal and family secrets when using electronic information media in proving under criminal cases. The authors mention a need to develop a mechanism that would include an appropriate procedure of investigative or procedural action which is not only aimed at seizure of the electronic information media, but which also includes a procedure for handling it and the information contained therein; control mechanism; responsibility and protection mechanism.

*Keywords:* private life; personal and family secrets; electronic information media; inviolability; abusive behavior

**Theory of proof and proving: on multiplicity of facts used in proving**

**Yury P. Borulenkov** – PhD in Law, Associate Professor, Pro-rector of St. Petersburg Academy of the Investigative Committee of the Russian Federation.

In this study, the author summarizes the traditional approaches to understanding of fact as an epistemological, legal and procedural phenomenon, and expresses his point of view on the key aspects of correlation between concepts associated with procedural and dialectical (logical) proving in legal proceedings. The multilevel- and diverse nature of facts used as elements of the system of proving is stated. In dynamics of retrospective knowledge, three main elements of its internal structure are noted: fact, information, knowledge (data as perceived information). The author comes to a conclusion about a four-level epistemological scheme for formation of a legal fact. From selected and interpreted fragments and traces of an event – to the content of procedural evidence (factual data, information), then to construction of evidentiary facts (arguments) on whose basis we simulate an image of an event of the past – properly, the legal fact (knowledge of the competent authority). Accordingly, four levels of facts are involved in procedural cognition and proving in the judicial process, and facts are divided into subspecies on each of such levels.

*Keywords:* procedural cognition; retrospective knowledge; logical proving; means of cognition; facts; proving in legal proceedings; procedural evidence; reasons; arguments; legal fact.

**State, church, religion and their impact on the system of principles of criminal proceedings in Russia**

**Tatyana Yu. Vilкова** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Procedural Law at Kutafin Moscow State Law University.

The article analyzes the conditionality of the system of criminal justice principles by the nature of the relationship between the Russian state and the church, as well as by the attitude of the state toward freedom of conscience and religion. Influence of the Orthodox Church on principles of the criminal proceedings in the Russian Empire, laid by the 1864 judicial reform, is shown. The consequences of separating the state from the church for the Soviet criminal process are examined. A conclusion is drawn that there is a rapprochement between the church and the state at the present time. In criminal proceedings, this is manifested in ensuring the equality of everyone before the law and the court, regardless of one's attitude towards religion, in

establishing the prohibition of interrogation of a clergyman about the circumstances that have become known to him from confession, in the possibility of releasing persons for whom, due to their religious convictions, it is impossible to participate in the administration of justice, from serving on a jury.

*Keywords:* principles of criminal proceedings; religion; oath; the secret of confession; freedom of conscience and religion; legality; equality before the law and the court.

### **Influence of law-interpretative practice of the Constitutional Court and the Supreme Court of the Russian Federation on realization of the principle of independence of judges in the Russian criminal process**

**Irek A. Gizatullin** – Assistant in the Department of Criminal Law and Procedure at Bashkir State University.

The article considers the administrative impact of the law-interpretative practice of the Constitutional Court and the Supreme Courts of the Russian Federation on judicial practice in criminal cases. Assessing the overall impact as positive and contributing to formation of a uniform judicial practice, the author at the same time proves that it substantially restricts the implementation of the principle of independence of judges in the administration of justice in criminal cases – where acts of the Constitutional Court of the Russian Federation or the Supreme Court of the Russian Federation contain clarifications that do not correspond to the literal text of a criminal law or a criminal procedural law.

*Keywords:* criminal procedure; justice in criminal cases; independence of judges; judicial discretion; Constitutional Court of the Russian Federation; Supreme Court of the Russian Federation; law-interpretative practice; control action.

### **On the concept of processual form, its essence and meaning in criminal proceedings**

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

**Victoria V. Shipitsina** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Procedure at Kuban State University.

Procedural form in criminal proceedings is considered as the most important and fundamental concept which should be based on the unified purpose of criminal proceedings and a single set of principles. In modern conditions of development and improvement of criminal proceedings, the issue of simultaneous and effective solution of the issue of differentiating the procedural form and securing the rights of participants in criminal proceedings is especially acute.

*Keywords:* criminal proceedings; procedural form; differentiation of forms; ensuring the rights of participants.

### **Provision of appropriate limits of proving in the course of establishing the circumstances of case statement**

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

The article considers problematic issues associated with formation and provision of appropriate limits of proving in the course of establishing circumstances that are important for the proper resolution of a criminal case.

*Keywords:* proving in a criminal trial; evidence in criminal proceedings; limits of proof in criminal cases; subject of evidence in criminal cases; circumstances to be proved.

### **Impartiality of jurors (the concept and the content)**

**Tatyana V. Moiseeva** – PhD in Law, Counselor of the Judicial Board for Criminal Cases of the Supreme Court of the Russian Federation.

On the basis of results of a study of definition of impartiality in philosophy and, with account taken of the data of psychology and social psychology, the author of the article derives a definition of the concept and the content of impartiality of jurors.

*Keywords:* court; criminal proceedings; jurors; impartiality.

### **«Economic» and «backbone» tasks of criminal proceedings: is a balance possible?**

**Pavel O. Panfilov** – PhD Student in the Department of Scientific and Pedagogical Staff Training at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article substantiates existence of economic problems in criminal proceedings and analyzes their correlation with general tasks of criminal proceedings. By means of study of provisions of the Criminal Procedural Code, establishing the specific features of proceedings in criminal cases for crimes in the sphere of economic and entrepreneurial activity and other procedural rules that are aimed at solution of economic problems, the author comes to a conclusion that the essence of economic tasks, determined by the Regulation of the Plenum of the Supreme Court of the Russian Federation, No. 48 dated 15.11.2016, does not contradict the meaning of general tasks of criminal proceedings, however, the means chosen by the lawmaker to solve economic problems are not irreproachable. A conclusion is made about admissibility of solving the state's economic problems by means of a criminal procedure, provided that that would not interfere with solution of its «backbone» tasks.

*Keywords:* tasks of criminal proceedings; economic interests; specific features of criminal proceedings; procedural guarantees; entrepreneur.

### **Criminal procedural remedies to ensure state defense for participants in criminal proceedings**

**Dmitry S. Sokolov** – Senior Lecturer in the Department of Management of Internal Affairs Agencies in Special Conditions at Nizhny Novgorod Academy of the MIA of Russia.

The article reveals the remedies of ensuring state protection for participants in criminal proceedings that are available in the current criminal procedural law of Russia. For this purpose, the author conducts a comprehensive analysis of rules of the Criminal Procedural Code of the Russian Federation which contain provisions on security measures and measures of state protection, the author also identifies the problematic issues and offers the ways for solution.

*Keywords:* criminal procedural remedies; state protection; participants in criminal proceedings; security measures.

### **On judicial practice of issuing permissions for investigation actions associated with limitation of constitutional rights of citizens.**

**Victor A. Shestak** – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute (University) of International Relations of the MFA of Russia.

The author considers certain matters of modern judicial practice when deciding whether to issue permits for investigative and other procedural actions associated with limitation of constitutional rights of citizens.

*Keywords:* judicial procedure; investigative actions; other procedural actions; implementation of investigative actions; limitation of constitutional rights of citizens.

## **CRIMINAL EXECUTIVE LAW. PENITENTIARY SYSTEM**

### **Decision of the European Court of human rights within the system of sources of criminal executive law**

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

The article analyzes the controversial issues associated with consideration of decisions of the European Court of Human Rights as sources of criminal executive law. The work highlights various approaches that reveal the essence of decisions of the European Court of Human Rights. The author identifies the criteria that help to recognize decisions of the European Court of Human Rights as formal (legal) sources of criminal executive law. Attention is paid to importance of decisions of the European Court of Human Rights for the criminal executive branch of law.

*Keywords:* branch of criminal executive law; source of criminal executive law; rule of criminal - executive law; criminal executive legal relationship

## CRIMINOLOGY

### **Certain elements of the system of prevention of theft of subscriber devices, as well as crimes committed by means of cellular communication devices**

**Vitaly F. Vasyukov** – PhD in Law, Associate Professor in the Department of Criminal Law and Criminal Procedure at Orel Law Institute of the MIA of Russia named after V.V. Lukyanov.

The article considers problems faced by law enforcement authorities in preventing theft of subscriber devices, as well as crimes committed by means of cellular communication devices

*Keywords:* crime prevention; means of cellular communication; communications; subscriber devices.

### **Criminological characteristics and foundations for preventing theft of cultural valuables**

**Konstantin A. Glazkov** – Senior Inspector for special assignments in the Department of analysis, planning and control (DSU Rosguard).

This article is aimed at examining the criminological characteristics and the basics of prevention of theft of cultural valuables. It examines the components of criminological characteristics of these crimes, including their status, structure and dynamics. On the basis of analysis of the available theoretical concepts and views, provisions are formulated that develop the criminological characteristics of crimes that encroach on cultural valuables, and that also contribute to formation of prerequisites for increasing the effectiveness of prevention of such acts.

*Keywords:* criminological characteristics of crimes encroaching on cultural valuables; causes and conditions of theft of items having special value; theft of cultural valuables.

### **Activities of the prosecutor for demographic security of Russia in respect of prevention of suicidal behavior of minors associated with the use of information-cum-telecommunication networks**

**Yulia O. Karpysheva** – PhD in Law, Associate Professor in the Department of Prosecutor's Supervision and Prosecutor's Participation in Civil and Arbitration Cases at Irkutsk Law Institute (branch) of the Academy of the Prosecutor General's Office of the Russian Federation.

The article considers the main areas of the prosecutor's activities in the domain of teenage suicide prevention. Growth of the number of suicides among minors poses a serious threat to Russia's demographic security. Intensive development of information technologies contributes to the emergence of ever new ways of involving adolescents into various kinds of destructive activity, including, among others, committal of suicide. The society and the state must respond quickly to this kind of phenomenon. It seems that the prosecutors' offices have sufficient powers to timely orient themselves in the current situation and to orient other authorities accordingly.

*Keywords:* national security; demographic security; teenage suicide; information technology; prosecutor supervision; coordination activities; lawmaking activities.

### **Specific features of a criminal who commits illegal wood logging: on the basis of materials of judicial practice in the Vologda region**

**Elena V. Krasilnikova** – PhD in Law, Associate Professor in the Department of Criminal Law at Vologda State University.

**Elena V. Popadenko** – PhD in Law, Associate Professor in the Department of Criminal Law at Vologda State University.

The article analyzes results of criminological investigation of identity of the criminals who have committed illegal wood logging in the territory of the Vologda region. Characteristics of the criminals who commit crimes of the said category are given depending on their previous convictions, their sphere of employment, sex, age, etc. Importance of such information for effective prevention of crime in the sphere of forest relations is noted.

*Keywords:* identity of the criminal; Vologda Region; illegal wood logging; arbitrage practice; judicial practice; statistical data.

### **Problem of illegal harvesting (catching) of aquatic biological resources in the territory of the Far Eastern and Siberian Federal Districts and, the key factors that determine it**

**Tatyana A. Malykhina** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Law and Criminology at the East Siberian Law Institute of the MIA of Russia.

The article is devoted to criminological characteristics of illegal harvesting (catch) of aquatic biological resources in the territory of the Far Eastern and Siberian Federal Districts and to analysis of the causes and conditions that contribute to committal of this crime. The methodological basis of this article is the comparative legal method and the logical method, as well as the method of statistical quantitative analysis. The author gives statistical indicators on the problems under study, which indicate its relevance. The article presents an analysis of the dynamics of progress of illegal harvesting (catch) of aquatic biological resources both in the Russian Federation as a whole and in its individual regions, and a comparison is made. Details are given to the key factors that determine this crime, in individual regions of the country and with account taken of their geographical features. In this connection, the rationale is given for effective protection, including criminal and legal protection, of aquatic biological resources against illegitimate encroachments.

*Keywords:* environmental safety; environmental crimes; criminological characteristics of illegal harvesting (catching) of aquatic biological resources; determinants.

## **CRIMINALISTICS**

### **Subjects of tactics of judicial investigation**

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

On the basis of the study of essence of forensic tactics, problems of its subjects are studied in terms of the stage of judicial investigation. A conclusion is substantiated that such are the prosecutor – the state prosecutor – and the lawyer – the defender of the defendant; the court (the judge) is not the subject of tactics, which does not rule out necessity and possibility of its/his/her using forensic knowledge in the study of the evidence, both that provided by the competing parties and that collected for same on an initiative of the court itself.

*Keywords:* forensic tactics; judicial investigation; prosecutor and lawyer as subjects of tactics of judicial investigation; court.

### **Use of special knowledge in the course of operative investigative activities during detection of crimes in the consumer market sphere**

**Olga B. Dronova** – PhD in Law, Associate Professor, Professor in the Department of Forensic Technology of the Academic and Scientific Complex of Expert Criminalistic Activity at Volgograd Academy of the MIA of Russia.

The article considers the problem of the low level of involvement of various specialized professionals into planning, implementation and documentation of results of operative and investigative activities aimed at detection of crimes in the consumer market sphere. In order to systematize the existing opportunities for use of special knowledge in the activity under consideration, differentiation of the categories of their carriers is proposed; also, a list of opportunities for the non-procedural form of their use is given.

*Keywords:* special knowledge; operative and investigative activities; consumer market; investigative and evidentiary information.

### **Concept of investigation of certain types and groups of crime: the concept and the theoretical methodological basis of construction**

**Aleksandr N. Kalyuzhny** – PhD in Law, Service Officer at the Academy of Russian Federal Security.

The article studies the notion of the concept of crime investigation, the author proposes his own concept; the system of the concept of crime investigation is substantiated; the content of the theoretical and methodological foundations of the concept is analyzed; the structural elements of the theoretical and methodological foundations of the concept are studied.

*Keywords:* concept of investigation; structure of the concept of investigation; elements of the content of the concept of investigation; principles of construction of the concept of investigation.

### **Information-cum-legal issues and criminalistic issues of categorization of traditional and electronic documents**

**Gulfiya G. Kamalova** – PhD in Law, Associate Professor in the Department of Criminalistics and Forensic Examinations at Udmurt State University.

**Elmira N. Chernetsova** – Notarial Chamber of the Udmurt Republic, Notary Assistant.

The authors consider the existing problems of categorization of documents, their specific features, and possibilities of application to the documents created and processed by means of information-cum-communication technologies. The methodology of the study is the use of a set of general scientific and private scientific methods: the systematic approach, the formal legal method, analysis and synthesis, the categorization method, as well as other methods used in their combination and interrelationship. On the basis of analysis of the existing approaches, the authors conclude that, in the conditions of development and widespread adoption of information-cum-communication technologies, composition and methods of creating, storing and transmitting any documented information undergo substantial changes and that further research is required.

*Keywords:* information; document; documented information; electronic document; information medium; categorization of documents; information legislation; information law; forensic science.

### **Specific features of obtaining data about the mechanism of marking formation in investigation of crimes committed by means of crypto-currencies**

**Elvira S. Markaryan** – PhD Candidate in the Department of Criminalistics at Voronezh State University.

The article considers specific features of obtaining data on the mechanism of marking formation during investigation of crimes committed using crypto-currencies using bitcoin as an example. The forensically significant information obtained as a result of studying the traces which indicate that crypto-currencies were involved is very extensive. In this article, the author pays special attention to consideration of specific features of the functioning and detection of the characteristic traces of operation of the "thin" purse MultiBit, as well as the most popular purse

for mobile devices: Mycelium Bitcoin Wallet. In cases of establishing the fact of the software having been installed and establishing the fact of some bitcoins, this may give grounds for checking the online transactions committed. When carrying out investigative actions, it is possible to detect on paper information media some forensically important printouts with bitcoin addresses or with QR codes that are used to encrypt Bitcoin network addresses.

*Keywords:* crypto-currency; mechanism of trace formation; bitcoin; bitcoin address; bitcoin wallet; MultiBit; bitcoin exchange; blockchain.info; Mycelium Bitcoin Wallet; QR code.

### **The criminalistic concept and essence of urgent investigative actions**

**Makhtay Sh. Makhtaev** – Doctor of Laws, Professor at Lomonosov Moscow State University.

The article reveals the forensic concept and essence of urgent investigative actions, the article substantiates that in forensic science, detention is considered both as a measure of criminal procedural coercion and as an urgent investigative action. Proposals are made to adjust the concept of «urgent investigative actions» in the Criminal Procedural Code of the Russian Federation.

*Keywords:* urgent investigative actions; preliminary inspection; preliminary investigation; inquiry; investigative authority; inquirer; investigator; detention; inspection of the scene; search and seizure; interrogation.

### **Carding – a system-building factor of economic crime: secrets of the mechanism and problems of criminal persecution**

**Victor V. Pushkarev** – PhD in Law, Associate Professor in the Preliminary Investigation Department at Moscow University of the MIA of Russia named after V.Ya. Kikot, Associate Professor in the Department of Legal Regulation of Economic Activity of the Financial University under the Government of the Russian Federation.

Scientific novelty of the study made is in consideration of carding as a cementing basis for a system of crimes of economic thrust. In-depth empirical analysis helps not only to reveal significant aspects and fields of genesis of the mechanism of such crimes, but also to offer relevant techniques and methods for investigation of carding. The research made focuses the reader's attention on the specific features of use of special knowledge to identify the carding mechanism and its perception in proceedings under a criminal case.

*Keywords:* criminal prosecution; crimes of economic thrust; carding; skimming.

### **Analysis of methods of demonstration and concealment of corpses, as well as parts of body of victims of serial murders in conjunction with certain elements of criminalistic characterization of this category of crime**

**Lyubov V. Teleshova** – PhD Student in the Department of Criminalistics, Forensic Examinations and Legal Psychology at Baikal State University.

The article describes the basic methods of demonstration and concealment of corpses, as well as parts of bodies of the victims of serial murders; an attempt is made to systematize acts of serial killers after the crime, as well as to establish the relationship of specific features of concealment or demonstration of corpses (parts of the body) with certain elements of forensic characterization of serial murders, such as person of the criminal, motives and goals of the crime.

*Keywords:* serial murder; concealment of corpse; demonstration of corpse; identity of the criminal; motive and purpose of the crime.

### **Tactical combination of «active hearing» in interrogation of minors who are victims of violent sexual crimes**

**Irina V. Tozik** – Lecturer in the Department of Criminalistics and Forensic Examinations at Donetsk Academy of Internal Affairs of the Ministry of Internal Affairs of the Donetsk People's Republic.

The article considers specific features and key problems of the tactics of interrogation of minors who are victims of violent sexual crimes; the circle of persons participating in this investigative action is determined. On the basis of psychological research, the essence and purpose of active listening is described as a method of communicating with minors in conflict situations. The practice of using the method of active listening to work with minors within a criminal procedure is analyzed. With account taken of the specific features of the emotional status of the minors who are victims of violent sexual crimes, a tactical combination of active listening is developed for their interrogation, for the purpose of effective investigation of crimes and minimization of secondary traumas.

*Keywords:* interrogation of a minor victim; violent sex crimes; active listening; psychological contact.

### **Identification of identification attributes for persons of extremist orientation the information space.**

**Elena N. Kholopova** – Doctor of Laws, PhD in Psychology, Professor in the Department of Criminal Procedure, Criminalistics and Legal Informatics of the Law Institute at Immanuel Kant Baltic Federal University.

**Aleksandra A. Gaivoronskaya** – PhD in Psychological Sciences, Associate Professor in the Department of Management of Army Daily Activities of the Military Academy of Military Air Defense of the Armed Forces of the Russian Federation named after Marshal of the Soviet Union A.M. Vasilevsky.

**Preybis Inga Igorevna** – 2nd- year Student of Magistracy in the Department of Criminal Procedure, Criminalistics and Legal Informatics of the Law Institute at Immanuel Kant Baltic Federal University.

The article considers problems of identification of attributes for persons of extremist orientation in content of the information space, reveals forms and methods of studying materials of extremist orientation which are associated with products of speech activity (handwritten, printed, audiovisual activity), as well as non-verbal means of communication (gestures, facial expressions, photographs, drawings, symbols, etc.). Methods of studying materials of extremist orientation can include a system of general techniques containing criteria for assessment (indicators) that help to identify the semantic orientation of speech activity. Methods are singled out which facilitate analysis of research of materials of extremist orientation in the information space: psycholinguistic, socio-psychological, psychosemantic methods.

*Keywords:* person of extremist orientation; information space; verbal extremism; recognition of personality attributes in cyberspace; expert review of extremist texts; methods of revealing extremist texts.

## **FORENSIC EXAMINATION**

### **Problems of linguistic expert review of extremist materials using religious texts as an example**

**Ekaterina Yu. Anoshina** – Assistant in the Department of Theory and Practice of Translation at Tolyatti State University.

The article considers the key problems that arise when assigning and conducting judicial linguistic expert reviews in the cases concerning extremism. Using cases involving religious texts as an example, three key criteria are considered: the notion of «extremism», insufficient competence in the field of linguistic expert review, both on the part of representatives of law enforcement authorities and on the part of experts themselves, and the lack of a comprehensive nature of the expert review. A technique is proposed that helps to improve quality of linguistic expert review in the cases concerning religious extremism. Necessity of distinguishing the



concept of «extremism» is substantiated, and the author's definition of the concept «verbal extremism» is proposed.

*Keywords:* judicial expert review; linguistic expert review; extremism; verbal extremism; extremist materials; religious texts.

### **Methodological approaches and ways of solving the problem of home violence using an example investigation of skull fractures in newborn and infant children (a review of foreign mass media and publications)**

**Vadim A. Fetisov** – Doctor of Medical Sciences, Head of the Scientific and Organizational Department at Russian Federal Centre of Forensic Medical Expertise of the Ministry of Health Care of the Russian Federation.

**Andrey A. Gusarov** – Doctor of Medical Sciences, Doctor Forensic Expert in the Department of Complex Forensic Expertise and Re-examination at Russian Federal Centre of Forensic Medical Expertise of the Ministry of Health Care of the Russian Federation.

**Olga V. Sokolova** – PhD in Medical Sciences, Associate Professor, Head of the Course of Forensic Medicine of the Department of Pathological Anatomy with a Course in Forensic Medicine at St. Petersburg State Pediatric Medical University of the Ministry of Health Care of the Russian Federation.

**Yulia V. Kemeneva** – Doctor Forensic Expert in the Department of Complex Forensic Examination at Bureau of Forensic Medical Examination of the Ministry of Health Care of the Russian Federation (Orenburg Region).

The article is devoted to analysis of foreign mass media and publications devoted to investigation of cases of cruel treatment of children in socially disadvantaged families. As a rule, in investigation of such cases, there are no reliable data on the circumstances of an injury caused to a newborn or infant child. Objective diagnostics of conditions of a cerebral trauma caused to the child is a serious problem, not only for law enforcement authorities, but also for forensic experts. To solve this problem, it is necessary to concentrate efforts of a wide variety of specialists (doctors, programmers, biomechanics, etc.) on a thorough analysis of cases of child violent death in all medical and expert institutions; to continue setting biomechanical experiments on animal models in order to establish a correlation link between traumatic influences and morphological types of fractures; to create a methodology for mathematical recognition of fractures, for establishing a causal relationship with a specific mechanism of injurious exposure; to continue to develop mathematical models that help to more accurately predict the characteristics of fractures on the basis of the known conditions of injurious exposure.

*Keywords:* skull fractures; violence in family; craniocerebral injury of children; computer simulation; finite element method; forensic medicine; biomechanics; biomechanical analysis.

### **Some methodical features of study of manuscripts prepared in unusual psycho-physiological conditions**

**Elena A. Shkoropat** – PhD in Law, Associate Professor, Associate Professor in the Department of Forensic Expert Activity at Moscow University of the MIA of Russia named after V.Ya. Kikot.

**Nadezhda A. Zuikova** – Senior Lecturer in the Department of Forensic Expert Activity at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article reveals one of the aspects of the problem of study of feigned-hand writing. Since various unusual conditions affecting the writing process manifest themselves in the form of various changes in handwriting features, experts have difficulty in establishing, interpreting and evaluating diagnostic and identification features, which generally affects the reliability and validity of findings of the experts. The unusual psycho-physiological states of the writer of the manuscript which are considered in the article are very common confounding factors and require identification of features of their research to improve effectiveness of expert activities.

*Keywords:* unusual psycho-physiological conditions; confounding factors; manuscript under research; handwriting samples.

## LAW ENFORCEMENT AGENCIES

### **On interdependence of effectiveness of police activity and the level of democracy**

**Anatoly K. Kiselev** – Doctor of History, Associate Professor, Professor in the Department of Administrative and Financial Law at North-Caucasian Federal University.

The purpose of the article is to show the influence of democratization on ability of the police to ensure security. Democracy and effectiveness of the police are almost always connected, but nevertheless, this connection is not straightforward. Non-democratic countries and developed democracies have experienced the highest level of police effectiveness, while countries with an average level of democracy have showed lower estimates of police performance. Despite initial dissatisfaction with the police, new democratic states can count on growth of effectiveness of the police if they continue to follow the path of democratic consolidation of society, which strengthens law enforcement authorities in the long term. The author comes to a conclusion that stable global democratization presages the strengthening of effectiveness of police activity in the future.

*Keywords:* police; law enforcement authorities; the public; the state; police activities; legitimacy; democracy.

### **A test by means of a polygraph – an effective tool of work with the personnel of the Ministry of the Internal Affairs of the Slovak Republic**

**Milan Kormosh** – State Advisor at the Institute of Forensic Science of the Ministry of Interior of the Slovak Republic.

The article describes, in the chronological order, the history of using tests by means of a polygraph in selection of employees of the Ministry of Internal Affairs and the Police Corps of the Slovak Republic. The author shows a real picture of work of the special department of the Ministry of Internal Affairs of Slovakia, from the time of its emergence to the present. Standardization of the testing process as a whole, against the background of the desire to improve the procedure for selecting employees are the main reasons why tests by means of polygraph have acquired their place in the system of work with the personnel of the Ministry of the Internal Affairs of the Slovak Republic.

*Keywords:* psychophysiology; polygraph; reliability of information; selection of personnel; forensic prevention.

## INTERNATIONAL CRIMINAL LAW AND JUSTICE

### **Problematic issues of international cooperation of Russia in the sphere of prevention of computer crime**

**Sergey V. Sklyarov** – Doctor of Laws, Professor, Professor in the Department of Criminal Law at Russian State University of Justice.

**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.

The article analyzes international legal acts, forms of international cooperation, law enforcement practices in the sphere of prevention of computer crime, for development of new measures and improvement of the existing measures to prevent computer crime in Russia. In the opinion of the authors, in order to improve the international legal framework for combating cybercrime and in order to successfully combat high-tech crime, two legal acts should be adopted at the United

Nations level: a UN convention on combating computer crime and a UN convention on international information security. At the same time, in the conditions of effect of political, economic, scientific, technical and other sanctions against Russia on the part of the United States, the EU and other foreign countries, it is necessary to strengthen international cooperation with law enforcement authorities of member countries of such international organizations as Interpol, CIS, SCO, BRICS, APEC, etc.

*Keywords:* cybercrime; international information security; crimes in the sphere of computer information; international cooperation; UN; Interpol; CIS; SCO; BRICS; APEC.

## COMPARATIVE LAW

### **Interpretation of rules of the USA criminal law on the basis of the text of the law**

**Eleonora Yu. Viktorova** – PhD Student in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute (University) of International Relations of the MFA of Russia, Assistant Lawyer, LLC «Cleary Gottlieb Steen & Hamilton», Representative Office in Moscow.

The article considers the issue of doctrine and the practice of interpretation of rules of criminal law in the USA, dealing exclusively with the theory of interpretation on the basis of the text of the law. Detailed attention is paid by the article to the rule of apparent meaning. Essence of the theory of interpretation of the text of criminal law is disclosed, details of the means and ways of analyzing and evaluating the text of a legislative act are considered, and relevant judicial practice is given.

*Keywords:* interpretation of legal rules; the USA; text of the law; rule of apparent meaning.

### **Regulation of return of criminal assets under the laws of England**

**Aleksandr I. Dokuchaev** – Bachelor of Jurisprudence, Graduate of Moscow State Institute (University) of International Relations of the MFA of Russia.

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

Despite implementation of international legal regulations on the searching, seizure and confiscation of criminal assets into the Russian legislation, the use of criminal procedural and financial legal mechanisms of prevention of transboundary movement of criminal assets from the Russian Federation, as well as their return to the country cannot be characterized as having the necessary efficiency. Among the causes for this situation taken shape is the limited use of foreign experience in this sphere, including opportunities for foreign legal regulation of this activity. Especially that of the countries where criminal assets withdrawn from Russia are most often hidden. One of them is the United Kingdom of Great Britain and Northern Ireland, and the article is devoted to consideration of specifics of legal regulation of this activity in the law of this country.

*Keywords:* asset return; confiscation; international cooperation; Great Britain.

### **Some problems of use of evidence according to the Criminal Procedural Code of the People's Republic of China**

**Yi. Yuan** – PhD in Law, Associate Professor at China University of Political Science and Law.

The reform of the criminal procedural legislation of China does not increase the judge's capacity in his/her consideration of evidence and its authentication. That is why some problems of China's criminal procedure are not currently a problem of the science of the criminal procedure, but are a problem of law enforcement activity, in particular, that arising during analysis of evidence by judges.

*Keywords:* new criminal procedural code of China; evidence in criminal procedure.

### **Victim and his/her representative in the criminal procedure of developed foreign countries**

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

The article analyzes the current procedural position of the victim (the victim of a crime) and his/her representative in the criminal proceedings of Great Britain, the USA, France and Germany. The difference in the status of the victim between countries of the Anglo-Saxon and Continental families of law is shown. The key national acts aimed at expanding the status of the victim are analyzed. It is concluded that strengthening the procedural status of the victim and his/her representative is the latest global trend. Developed countries see a solution to the problem of protecting the rights of victims of crime mainly in counseling, in rendering legal assistance and in compensating for harm caused by the crime, including that through compensation at the expense of the state.

*Keywords:* criminal justice; victim; victim of crime; representative; procedural position; compensation for harm.

## **METHODOLOGY OF LEGAL SCIENCE**

### **Forensic didactics: past and contemporary state and prospects of development**

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

The article presents the author's vision of individual stages in the history of formation of forensic didactics, analyzes its current state, substantiates individual important points in the development of forensic didactics in Russian universities, and some prospects for this development.

*Keywords:* criminology; forensic didactics.

## **FROM LEGAL SCIENCE TO PRACTICE**

### **Using resources of the internet information-and-telecommunication network in searching activities of investigator**

**Aleksandr N. Pershin** – PhD in Law, Associate Professor, Head of the Department of Criminalistics at Omsk Academy of the MIA of Russia.

**Kseniya S. Sidorova** – PhD Student at Omsk Academy of the MIA of Russia.

The article provides information on the resources of the information-and-telecommunication network Internet, which it is advisable to use by e investigator in the course of searching activities for establishing information about identity of the suspect (the accused), as well as determining location of the person(s) being sought. At the same time, capabilities of these resources to achieve these goals are demonstrated.

*Keywords:* searching activities; Internet; public information; social networks.

### **Operative experiment, as an effective form of collaboration between officers of operative units and investigators in detection and investigation of bribery**

**Ivan A. Popov** – Doctor of Laws, Professor, Leading Research Fellow in the Research Centre № 5 at the All-Russian Research Institute of the MIA of Russia.

The author notes importance of conducting an operative experiment for the purpose of identification and investigation of facts of bribery by officers of operative units in collaboration with investigators. Since operative experiment is the most effective of all operative-and-searching measures in prevention of corruption, the author proposes to remove the existing restrictions on its application in respect of any manifestations of corruption. Attention is drawn

to admissibility of activity on the part of operative units as to creation of conditions that help to hold the criminal red-handed. Attention is focused on the fact that, as a rule, capture of persons participating in bribery is carried out immediately during the giving or receipt of a bribe, or immediately after officers of the operative unit receive a prearranged signal that indicates that the transfer of the bribe has taken place.

*Keywords:* operative-and-search- and investigative practice; operative-and-search- activities; provocation of bribery; detention the criminal red-handed; seizure of the bribe-taker; certain signaling; evidence of guilt of the bribe-giver and the bribe-taker; registration of results of the operative experiment; collaboration between officers of operative units and investigators.

### **Limits of exercise of powers of authorities engaged in operative-and-searching activities, during a public examination of dwelling place**

**Vasily V. Semenchuk** – PhD in Economic Science, Associate Professor in the Department of Operational Search Activity of Internal Affairs Agencies at the Far Eastern Law Institute of the MIA of Russia.

The article considers problems of using coercive measures in case of penetration into a dwelling place and during its subsequent examination. The author points out gaps in the legislation, leading to formation of opposing views on admissibility of actions of operative officers during examination of a dwelling place, as well as to an uncertainty in law enforcement practice. At the same time, the author notes that the judiciary authorities often do not assess the content of actions of the operative officers in consideration of criminal cases involving results of a public examination of a dwelling place. The author proposes to amend the legal regulatory acts governing the conduct of a public examination of a dwelling place, for the purpose of resolving the issue of possibility to use coercive measures, as well as establishing the limits of actions by operative officers.

*Keywords:* public examination of dwelling place; coercion during operative-and-search activities; procedure for carrying out an examination of a dwelling place; delimitation of an examination from a search.

### **Conclusion of an expert on findings of investigation of requisites of documents: examples of use in legal proceedings**

**Vladimir I. Tretyakov** – Doctor of Laws, Professor, Head of Volgograd Academy of the MIA of Russia.

**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 substantiates the statement that conclusions of experts on the basis of findings of the technical and forensic study of requisites of documents are often the foundation of the evidentiary base for criminal cases, as well as facilitate making well-substantiated court decisions in respect of arbitration disputes and civil law cases. Using the example of solution of diagnostic and identification expert problems, the article shows possibilities of identification of the source of origin of serially manufactured counterfeit documents in investigation of economic crimes. Experience of detection of material fraud of documents presented as evidence by the parties to a trial is given. A conclusion is formulated about the demand for technical and forensic expert reviews not only in investigation of the crimes involving falsification of documents, but also for the purpose of identifying falsification of evidence in conditions of adversarial legal proceedings.

*Keywords:* expert's conclusion; requisites of documents; technical and forensic expert review of documents; falsification of evidence.

### **Issues of ethics in investigative practice.**

**Alla V. Khmeleva** – PhD in Law, Director of the Institute of Forensic Science at Moscow Academy of the Investigative Committee of the Russian Federation.

The article considers issues of importance of ethical principles in activities of the investigator, including that during investigative actions, moral and ethical principles of the investigator's professional and everyday behavior, and their determinative role in solution of certain investigative problems. A conclusion is made that the moral guidance of the investigator's activities underlies many of the decisions he/she makes and is particularly important in situations of choice and discretion.

*Keywords:* moral and ethical principles; ethics of investigative activities; ethical principles in respect of conduct of investigative actions.

## JUDICIAL STATISTICS

### **Problems of statistical records of crimes against life, and the real status of murders in modern Russia**

**Anna L. Repetskaya** – Doctor of Laws, Professor in the Department of Criminal Law and Criminology at the East Siberian Law Institute of the MIA of Russia.

The article analyzes the real status of murders in Russia in the current period of time. The statistical arrays in which latent murders are concealed are considered in detail. The arrays considered include arrays of the missing and not found; unidentified corpses; accidents; suicides; onset of death from damage due to unidentified intentions. Dynamics of quantitative indices of these arrays and expert estimates of shares of latent murders within them is analyzed concerning the current period (2014–2016). Conclusions are proposed on the aggregate result determining the size of the array of the real status of murders in the Russian Federation in the current time period.

*Keywords:* murder; unidentified corpses; missing and not found persons; non-criminal injuries; suicides; onset of death from damage due to unidentified intentions.

## HISTORY OF JURISPRUDENCE

### **History of formation and development of the Saratov scientific school of forensic science (to the 60th anniversary of the Department of Forensic Science of the Saratov State Academy of Law)**

**Aleksandr N. Ivanov** – PhD in Law, Associate Professor, Senior Prosecutor of the Educational and Methodical Department of the Prosecutor's Office of the Saratov region – the interregional center for professional training of prosecutors and federal civil officers.

**Denis S. Khizhnyak** – PhD in Law, Associate Professor in the Department of Criminalistics at Saratov State Law Academy.

Based on archived materials and scientific publications, the article analyzes formation and development of forensic science in Saratov under the auspices of the Saratov State Law Academy, from the late 1920s till the present day. The role of the Saratov scientific school of forensic science in the development of Russian science is shown.

*Keywords:* forensic science; Saratov State Law Academy.