

Criminalist's Library Scientific Journal – Issue 5/2014:

THERE IS AN OPINION

- **«Great confrontation»: investigator vs prosecutor.**

Nikita A. Kolokolov – Doctor of Laws, Professor in the Department of Judiciary and Organization of Justice at the Higher School of Economics – National Research University.

Historically, the prosecutor is in charge of the criminal case as a whole, because it is he, not the investigator, who supports the charge in a trial court, defends the position of the party in case of appeal, cassation and supervision. It is obvious that by virtue of this only fact the prosecutor should be armed with a necessary set of facts in evidence, which are, according to the system of distributing the criminal procedure labor, mainly collected by the investigator. In the Russian and then Soviet tradition, it was considered reasonable that the prosecutor has the right to “order” that the investigator finds and records particular facts of evidence, in absence of which his position in the court turns into a declaration, and even to find and record such facts of evidence himself. At the beginning of the XXI century, the political leadership of the country's has completely deprived the prosecuting authorities of the latter right and has essentially limited the right of the prosecutor to order specific facts of evidence. The investigator's right to independence has generated opposition among the both agencies. The author analyzes whether the preliminary investigation authorities reasonably use new prerogatives at all times.

Keywords: competence of the investigator, head of an information security department, prosecutor and the court; gaps in the legislation; personal confrontation.

CRIMINAL LAW

- **On the problem of establishing corporate criminal liability in Russia.**

Sergey I. Zakhartsev – Doctor of Laws, Assistant Director General Joint-stock company «Russian machines».

The article deals with the problem of establishing criminal liability for legal entities. The article refers to true reasons for introduction of such liability in the European states and the United States, analyzes the possibility of its introduction in Russia.

Keywords: legal entity; criminal liability; economy; law; philosophy of law.

- **Penalization of weapons-related crimes.**

Maryana A. Kalmykova – PhD Candidate in the Department of Criminal and Criminal Executive Law at Saratov State Law Academy.

The article investigates penalization of weapons-related crimes. Sanctions of the Russian Criminal Code are not its strength, and this is directly confirmed by the analysis of component elements of the mentioned crimes. There is a need to develop new approaches to sentencing for crimes committed with the use of weapons, possibly by supplementing the General Part of the Russian Criminal Code.

Keywords: penalization; criminal policy; criminalization; weapons; public danger; sanctions.

- **Consent for harmful behavior as private element of criminal law.**

Daria V. Lopashenko – PhD Student in the Department of Criminal Law and Criminology at Lomonosov Moscow State University.

This article deals with victims consent in Criminal Law. Author comes to conclusion that one shouldn't confuse lack of consent for harmful behavior as element of objective side of crime and victims consent. At the same time victims consent as excuse from criminal liability conflicts public significance of interests under Criminal law guarantee and public harmfulness theory and has to be excluded from the Russian Criminal Code.

Keywords: private elements in Criminal Law; victims consent.

- **Concept of manipulation as a category of criminal law.**

Lidiya V. Sedykh – PhD in Law, Associate Professor in the Department of Constitutional Law Disciplines at Stavropol Institute of Management.

Despite the fact that the term «manipulation» is present in the Criminal Code of the Russian Federation, it has not yet received adequate theoretical understanding. Therefore, this article attempts to comprehensively analyze the concept of manipulation in various fields of scientific knowledge with a view to its implementation in the criminal law framework.

Keywords: manipulation; illegal manipulation; impact; information and psychological impact.

• **Measures and other criminal law measures.**

Vitaliy M. Stepashin – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at Dostoyevsky Omsk State University.

The article deals with a problem of studying other criminal law measures in the criminal legislation system of the Russian Federation. It reviews a controversial issue of whether it is possible to distinguish other criminal law measures as an independent institute. The author explores the other criminal law measures as an independent criminal law institute that has been legally recognized.

Keywords: criminal law measures; other criminal law measures.

• **Gratuitousness of theft: the problem of determining the content of an objective feature in case of seizure of other people's property.**

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

The article analyzes the issues related to seizure of other people's property. It considers an element of gratuitousness in case of committing a theft. It gives its doctrinal assessment and the context of interpretation by a law enforcer in terms of the pursued criminal policy. The author substantiates a conclusion that there is a need to more precisely recognize the element of gratuitousness of theft in an act of judicial interpretation.

Keywords: theft; gratuitousness; property crimes; objective element; elements of theft; crimes against property.

• **Concept of penal policy in the sphere of protecting the foundations of the constitutional system of the Russian Federation and limits of its studying.**

Artem G. Khlebushkin – PhD in Law, Senior lecturer in the Department of Criminal Law at Saint-Petersburg University of the Ministry of Internal Affairs of Russia

This article discusses different points of view on concepts of criminal and criminal law policy, the ratio of these concepts, as well as trends in the criminal policy. It analyzes the issues of delimitation of criminal political problems and purely political problems in studying the criminal policy. The obtained results are projected on the sphere of protecting the foundations of the constitutional system of the Russian Federation.

Keywords: criminal policy; criminal law policy; criminal political science; foundations of the constitutional system; extremism.

CRIMINAL PROCEDURE

• **Proof in a jury trial: de dicto vs de re.**

Aleksandr S. Aleksandrov – Doctor of Laws, Professor in the Department of Criminal Procedure at the Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia.

Artem E. Bosov – PhD in Philology, Associate Professor in the Department of Forensic Inquiry at Lobachevsky State University of Nizhni Novgorod (National Research University), Assistant to the Chairman of the Federal Arbitration Court of Volga-Vyatka Region.

Vladimir V. Teryokhin – PhD in Law, Higher Doctorate Candidate, Associate Professor in the Department of Criminal Procedure at Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia.

The article develops a range of provisions of a new theory of criminal evidence that is under development by the Nizhny Novgorod legal scholars. These provisions are aimed against the concept of objective truth and the fact-finding theory of criminal evidence. The authors show that cognition in the criminal procedure is of a linguistic, symbolic nature. Therefore, a semiotic structure, which is a model of reality, is built in the course of judicial proof. It is estimated by subjects of proof using the cognitive schemes that are incorporated in the human psyche by his/her language. In view of this, the adversarial system is the only true way to establish judicial credibility. Pretrial proof may only be preparation of information sources presented by each of the parties to the court.

Keywords: proof; the truth; adversarial system; symbol; semiotics; rhetoric; language.

• **Legislative regulation of the inquiry in an abbreviated form.**

Stanislav V. Bazhanov – Doctor of Laws, Professor, Leading researcher of problems Prosecutorial Oversight and the rule of law in the economic sphere at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation, Academician of Petrovsky Academy of Arts and Sciences.

The article provides a detailed comparative analysis of the legislative regulation of the traditional inquiry and its analogue in an abbreviated form.

Keywords: inquiry; inquiry bodies; authorities of internal affairs; police; inquiry officer.

• **Category of doubt in the investigation process as a factor of achieving fair and sufficient facts of evidence.**

Dmitry V. Bakhteyev – PhD Student, Lecturer in the Department of Criminalistics at Ural State Law Academy.

The article examines the category of doubt as a factor of identifying inconsistency in the cognitive activity within the investigative process. It analyzes both forensic and philosophical approaches to this problem. The author gives reasons for dependence of obtaining the reliable and sufficient knowledge on the doubt; the crime investigation process and the criminal trial in terms of dynamics of transforming the incomplete, fragmentary knowledge into the system of evidence having signs of authenticity and sufficiency. The author proposes his own definition of the doubt.

Keywords: proof; doubt; probability; reliability; sufficiency; the truth; inconsistency.

• **Sharing information with relevant parties as a principle of criminal procedure.**

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

Study of the pre-reform and the current criminal procedure law allows concluding that the significant changes occurred have no material effect on the system of procedural principles: having abandoned some of them characteristic for the criminal procedure laws of the preceding period, the developers of the Code of Criminal Procedure of the Russian Federation have not offered any new principal provisions. Having named publicity as only one of the general conditions of the trial, the legislature has not seen fit to reflect, among the principles of the criminal procedure, a provision that provides participants in the criminal proceedings with a possibility to obtain information about the progress and outcome of the proceedings. Detailed analysis of the Code of Criminal Procedure of the Russian Federation allows the author to argue that the system under study should be complemented with a principle of sharing information with relevant parties.

Keywords: criminal procedure; principles of criminal procedure; rights of participants in criminal proceedings; sharing information with relevant parties.

• **Law enforcer's legal cognition and discretion.**

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

The focus of the article is an issue, debatable in the science of the procedural law, of the concept and limits of the law enforcer's discretion. It is noted that two approaches to this concept have been developed in the science. Some authors refer to this phenomenon solely cases that are expressly provided for in the law. Others defend the concept of the broad approach. It is emphasized that solution of the problem of the discretion limits allows answering the question of how this law enforcement is implemented in practice, how the choice is made, and what restricts the same.

Keywords: legal cognition; law enforcement; law-enforcer's discretion

• **Amnesty in criminal proceedings of Russia: legal regulation.**

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

This article analyzes the rules of the criminal procedure in the Russian Federation relating to issue of an amnesty order. The author draws attention to the peculiarities of legal regulation of applying an amnesty order in the course of preliminary investigation and trial.

Keywords: criminal prosecution; amnesty.

• **Trial of criminal cases in absentia: place in differentiation of criminal proceedings.**

Ekaterina G. Dubrovina – PhD in Law, Senior lecturer 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 deals with determining the place that the trial of criminal cases in absentia occupies in the system of criminal proceedings of the Russian Federation and possibility of referring the trial in absentia to «summary», «reduced», «accelerated» and «special» proceedings.

Keywords: trial of criminal cases in absentia; trial of a criminal case in absence of a defendant; differentiation of criminal proceedings; accelerated proceedings; reduced proceedings; summary proceedings; special proceedings.

• **Face-to-face interrogation: what for, when, how?**

Sergey A. Novikov – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Saint-Petersburg State University.

The article describes the topical problems of the institute of the face-to-face interrogation in the criminal procedure of Russia. In particular, it details the conditions under which it is possible to hold this investigative action and formulates proposals to improve the legal rules governing the concept of «testimony». As the face-to-face interrogation does not always lead to a positive result, the author advocates the preservation of the investigator's right to independently solve the question of its holding in a particular criminal case. Special attention is paid to ensuring, through the face-to-face interrogation, the right of an accused to interrogation of witnesses who prove him/her guilty, in the light of judgments made by the European Court of Human Rights. The article considers problems of applying the security measures, as well as those of separate evaluation of witness statements received. The author proposes to allow holding a face-to-face interrogation on a «remote» basis using videoconferencing systems.

Keywords: face-to-face interrogation; investigative actions; evidence; testimony; interrogation; security measures; videoconferencing systems.

• **Compensation for harm to victims in case of entering into a pre-trial immunity agreement.**

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

The article focuses on the rules of the institute of pre-trial immunity agreements that significantly restricts the rights and legitimate interests of victims, civil plaintiffs in terms of compensation for harm caused by the crime. The author concludes that this situation fails to meet the purpose of the modern criminal proceeding system. He proposes a way out of the situation.

Keywords: pre-trial immunity agreement, compensation for harm, victim, civil plaintiff.

• **Theory of evidence from the perspective of information approach.**

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

This article discusses issues related to problems of proof in criminal cases. The author is a supporter of a point of view, according to which proof is implemented by studying the information that has arisen at the time of the crime and has been displayed in one form or another. Such information is the content of evidence. In addition, the author comes to the conclusion that the evidence formation process and, therefore, the process of proof begin with emergence of forensic information and continues until the evidentiary information is embodied into a procedural form provided by the criminal procedure law.

Keywords: proof; evidence, information; investigation and detection of crimes; subject of criminology.

• **Judicial appealing an investigator's (inquiry officer's) order to challenge a trial lawyer.**

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

The issue of possible judicial appealing an investigator's (inquiry officer's) order to challenge a trial lawyer is solved in practice in different way. Courts often deny the right to such an appeal referring to Resolution No.5-R issued by the Constitutional Court on 23.09.1999. The article gives arguments that justify such practice. Meanwhile, positions of the Constitutional Court of the Russian Federation expressed in a number of orders, as well as other motifs allow recognizing the admissibility a judicial appeal of orders to challenge a trial lawyer made during the preliminary investigation.

Keywords: challenge; lawyer; judicial control; appeal; preliminary investigation; criminal procedure.

• **Investigative (search) actions with foreigners (under the laws of Ukraine).**

Yulia N. Chornous – PhD in Law, Associate Professor in the Department of Criminalistics and Forensic Medicine, Higher Doctorate Candidate at the National Academy of Internal Affairs (Kiev, Ukraine).

Criminal proceedings, investigative (search) actions with foreigners should be performed for the purposes of criminal proceedings with maximal observance of their rights and freedoms. Adoption of the new Code of Criminal Procedure of Ukraine on April 13, 2012 settled a number of issues related to compliance with the legal status of foreigners, special features of criminal proceedings with their participation. This article describes the procedure for implementing the rules of law in investigative (search) actions with foreigners, details legal provisions, points up the need to respect the rights and freedoms of foreigners, and especially of those who enjoy diplomatic immunity. It also draws attention to tactical techniques that are used as part of the investigative (search) actions, emphasizes the importance of establishing the psychological contact, formulates relevant forensic recommendations.

Keywords: criminal proceedings; investigative (search) actions; tactics; foreigners; diplomatic immunity; tactical techniques.

PENAL ENFORCEMENT LAW. PENAL INSTITUTIONS

• **Criminological peculiarities of crimes committed by staff of the criminal and penal system.**

Sergey A. Khokhrin – PhD in Law, Associate Professor, Head of the Department of Regime and Surveillance Organization in Penal System at the Academy of the Russian Federal Penitentiary Service.

This article is devoted to the peculiarities of preventing the penitentiary crime by examining the criminological characteristics of penitentiary crimes committed by employees.

Keywords: penitentiary crime; criminology; crime; employee of the criminal and penal system; correctional facilities, public justice.

CRIMINOLOGY

• **Extremism in modern Russia – a threat to society and the state.**

Elena A. Baranova – Master student at the Management Academy of the Ministry of the Interior of the Russian Federation.

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

The article analyzes various approaches to the definition of the «extremism» concept, conditions of its origin and its danger to the public, as well as activities of internal affairs bodies in combating extremism.

Keywords: extremism; extremist materials; extremist organization; extremist crimes; bodies of internal affairs.

• **Special features of the individual behavior mechanism of street criminals and their victims.**

Oksana A. Kotelnikova – PhD in Law, Senior lecturer in the Department of Criminal Law and Criminology of Vladivostok branch of the Far Eastern Institute of Law of Ministry of Internal Affairs of Russia.

Larisa I. Romanova – PhD in Law, Senior lecturer in the Department of Criminal Law and Criminology at Far Eastern Federal University.

Individual criminal behavior is one of the urgent problems of modern criminology. The aim of this study was to identify the most important elements of the mechanism of individual criminal behavior of perpetrators of street crimes. Effective study of reasons for these crimes is complex and is based on the knowledge of not only a personality of a perpetrator him/herself and the crime situation but also that of his victim. A detailed study and consideration of the obtained results have both theoretical and practical significance for prevention and combating the street crime.

Keywords: street crime; mechanism of individual criminal behavior; identity of the perpetrator and the victim; criminal situation.

• **Status analysis of the category of crimes against sexual immunity and sexual freedom of a person in Russia.**

Renat M. Kochetov – PhD Student in the Department of Criminal Law Disciplines at Chuvash State University named after I. Ulyanov.

The article deals with an issue relating to the status analysis of the category of crimes against sexual immunity and sexual freedom of a person in Russia. The author discusses the general statistical data concerning this group of offenses. The article also considers points of view of the scientific community and directly the law enforcer as well, with regard to the statistical data and detection rate of individual offenses. The author discloses changes in the Code of Criminal Procedure of the Russian Federation with respect to the investigative jurisdiction of crimes referring to Chapter 18 of the Russian Criminal Code, as

well as highlights the gaps in this Chapter; he also expresses his opinion on ways and mechanisms of addressing the shortcomings mentioned.

Keywords: analysis; latency; investigative jurisdiction; statistics; rape.

• **Special features of criminal policy implementation in the sphere of public health safety and ways of its modernization.**

Vladimir V. Kukharuk – PhD in Law, Lawyer of the Saratov Region Bar of Advocates.

The article describes specific features of the criminal-law protection of personal and public health (health of population) from the point of view of maintaining a balance between the private interests of the secured personal health and public-legal means for its safety; an attempt was made to expand the content of the concept of self-mutilation by including thereto actions aimed at harming one's own health by abuse of illegal drugs (narcotic or psychotropic substances) and potent substances; the limits and possibilities of using the criminal-law immunity have been examined on an example of trafficking of narcotic, potent and poisonous substances; the author substantiates the necessity of amending Articles 230 and 232 of the Criminal Code.

Keywords: personal health; public health; psychoactive substances; self-mutilation; self-harm; potent substances; poisonous substances; illegal drugs; drug crops; generally dangerous properties.

CRIMINALISTICS

• **On the concept and forensic characterization of crimes committed by organized criminal groups using modern information tools and technologies.**

Konstantin E. Dyomin – PhD in Law, Associate Professor in the Department of Weapons and Trasology at the Moscow University of the Ministry of Internal Affairs of Russia.

The article discusses theoretical and methodological issues of the concept and content of the forensic characterization of computer crimes committed by organized criminal groups.

Keywords: forensic characterization of crimes; computer crime; methods of crime investigation; public safety; computer forensic and technical expert examination; electronic media.

• **On correlation of concepts of a psychological profile of a perpetrator of crime and forensic characterization of crimes.**

Dmitry A. Kiryukhin – Scientific Consultant of General Directorate of Forensic.

Stanislav A. Yalyshev – Doctor of Laws, Professor in the Department of Criminal Procedure Law of North-West Branch of the Russian Academy of Justice.

Conceptually, a psychological profile of a perpetrator of crime is based on the theoretical provision that any behavior is personally determined. At the same time, there may be two approaches to establishing the interrelation between the features of a crime and a perpetrator of crime: a statistical approach (inherent to the forensic characterization) and an analytical and psychological approach (inherent to profiling). Based on the studies completed, the authors note that profiling of an individual and use of forensic characterization patterns significantly complement each other, considerably expand scopes of the both and improve accuracy of predictions.

Keywords: sexual serial maniacs; profiling of an individual; profiling; forensic characterization of crime; patterns of crime.

• **On legal regulation of forensic algorithms of preliminary investigation.**

Oleg S. Kuchin – Doctor of Laws, Associate Professor, Professor in the Department of Criminalistics at Kutafin Moscow State Law University.

Preliminary investigation is one of the complex processes of pretrial proceedings, which, in its nature and purpose, is aimed primarily at establishing the truth in a case and at objective establishment of the whole picture of the crime committed. The outcome of resolving the entire task set to an investigator or inquiry officer will further depend on quick and timely choosing by them a direction of their activity in a criminal case.

Keywords: algorithms of preliminary investigation; crime; crime control.

• **Concept and types of investigative inspection in investigation of crimes in the sphere of information and communication technologies.**

Vladimir A. Meshcheryakov – Doctor of Laws, PhD in Technology, Professor in the Department of Criminalistics of the Law Faculty at Voronezh State University.

The article discusses specific features of the concept of investigative inspection in investigation of crimes in the sphere of information and communication technology, which is carried out in order to identify and to study circumstances of the events happened, to detect, capture and remove subjects, documents, traces, and computer information that may be relevant to crime detection and investigation.

Keywords: investigative inspection; cyberspace; crimes in the sphere of information and communication technologies.

• **Interaction between investigators and bodies engaged in field investigation activities – effective means of optimizing preliminary investigation.**

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

The article raises once again the issue of optimizing the existing particular methods of investigating certain types of crimes. One of such optimization trends is interaction of the investigator with the bodies engaged in the field investigation activity. The article discusses importance of such interaction both for the practice of investigating specific crimes and for the theory of investigation. It draws attention to specific features of the regulatory framework for this interaction and its significance for the preliminary investigation. It points out the existing relationship between the quality of the preliminary investigation and the interaction in its course between the investigator and the bodies engaged in the field investigation activity. The author offers recommendations for arrangement and implementation of such interaction, for its mandatory inclusion in particular methods of investigating certain types of crimes.

Keywords: preliminary investigation; methods; interaction; investigator; bodies engaged in the field investigation activity.

• **Genomic registration in the Republic of Belarus and prospects of its development in investigation of undetected crimes of past years.**

Aleksandr S. Rubis – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Procedure at the Academy of the Ministry of Internal Affairs of the Republic of Belarus.

Dmitry A. Romanuk – PhD Student in the Scientific Pedagogical Department at the Academy of the Ministry of Internal Affairs of the Republic of Belarus.

This scientific article considers the genomic registration as a type of criminal record. The authors show international experience in using the DNA analysis method and DNA databases in the law enforcement activity. They provide positive case examples from the practice of using DNA information by law enforcement bodies of the Republic of Belarus in investigation of particularly serious violent crimes of past years. The authors state the trends for enhancing the efficiency of using DNA data in the Republic of Belarus for detection and investigation of this category of crime.

Keywords: genomic registration; investigation of crime; undetected crimes of past years.

• **The essence of forensic classification.**

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

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

This article analyzes the concept of forensic classification as a special method of forensic cognition and provides a detailed description of specific features inherent to the practical application of this method.

Keywords: investigation of criminal acts; theory of forensics; special methods of forensic cognition; forensic classification.

• **Problems of legal regulation of forensic methods.**

Aslyam N. Khalikov – PhD in Law, Associate Professor in the Department of Criminalistics at the Bashkir State University Institute of Law.

The article puts forward and substantiates the concept that methods of crime investigation require legal regulation. Forensic technique, with account of the level of development of particular investigation methods for certain types of crime, shall be enshrined in legal instruments drawn up, taking into account the investigative jurisdiction, by the relevant bodies of preliminary investigation and approved by the General Prosecutor's Office of the Russian Federation. Legal regulation of investigation methods for certain types of crime does not deny the free discretion of the investigator and the operational staff in identifying the guilty perpetrators. However, these rules for the investigation procedure allow creating the

optimal conditions for obtaining the necessary information and evidence for the purpose of detection and investigation of crimes.

Keywords: forensics; forensic methods; forensic tactics; investigative actions; preliminary investigation; investigation of crime; standards of investigation; investigative jurisdiction.

• **Concept and essence of strategy in forensics.**

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

The article discusses the correlation of the concept of strategy in interdisciplinary, legal and forensic areas of knowledge represented both in the domestic and foreign literature. The author gives his own definitions of the legal and forensic strategy. He has identified their content-related components both based on the analysis of scientific articles and on the analysis of strategic documents of the Russian Federation.

Keywords: strategy; legal strategy; forensic strategy; definition of strategy; content-related components of the strategy.

• **Objective elements of forensic characterization of nonperformance or improper performance of duties to educate a minor.**

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

Elena L. Kozlova – Deputy Chief in the Department of inquiry of the Western LU Ministry of Internal Affairs of Russia on transport.

Successful detection and investigation of non-performance or improper performance of duties to educate a minor are largely dependent on the investigator's (inquiry officer's) ability to properly assess and resolve the current complicated situation of the case on the basis of the best information available. It is the scope and content of the information that determine the investigator's (inquiry officer's) actions at a particular stage of the investigation. Forensic characterization is performed by a forensic scientist and proposed to the investigator so that the latter may use the same in conditions of a hunger for information. The article substantiates the contents of the objective elements of forensic characterization of non-performance or improper performance of duties to educate a minor.

Keywords: non-performance or improper performance of duties to educate a minor; abusive treatment of a minor; forensic characterization; objective and subjective elements of forensic characterization.

• **Classification of tactical tools of crime investigation in modern forensics.**

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

Tactical tool as an element of practical involvement in investigation of crimes is characterized with certain features of a substantial nature, which may be considered as a basis for classification of a variety of different tactical techniques, tactical combinations, and so on. Considering this, the article summarizes outcomes of classification research conducted in modern forensic tactics and offers a series of general classifications of tactical tools of crime investigation. When building up the respective classifications, special attention is paid to choosing the correct basis of classification, taking into account not only theoretical but also practical value of each classification.

Keywords: tactical tools; investigation of crime; classification; forensic tactics; feature of a tactical tool; basis of classification.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

• **Legal fundamentals of transitional justice in United Nations documents.**

Nikolai A. Bobrinsky – PhD Student at Moscow State Institute of International Relations (University) of MFA of Russia.

The article presents an overview of the UN guidance documents in the field of legal response, in the course of political transformation and/or post-conflict settlement, to the past massive violations of human rights committed (transitional justice). Consideration is given to documents of the Secretary-General and the UN General Assembly, UN Commission and Council for Human Rights, UN High Commissioner for Human Rights. The author shows the development of the UN approach to transitional justice over the recent 20 years.

Keywords: transitional justice; gross and massive violations of human rights; compensation for harm; restitution; compensation; satisfaction; right to ascertainment of the truth; amnesty; lustration.

COMPARATIVE LAW

• **Combating extremism in the Asia-pacific countries: legal experience of Singapore.**

Zarema M. Beshukova – PhD in Law, Higher Doctorate Candidate in the Department of Criminal Law and Criminology at the Kuban State University.

The article discusses the problem of combating extremism in Singapore. The analysis is given of a number of Singapore legal acts in combating extremism. The author analyzes the criminal law of Singapore in comparison with the laws of India and the UK. She draws attention to the fact that there are significant differences in regulation of responsibility for crimes in this sphere.

Keywords: extremism; criminal law; race; religious hatred; religious harmony.

• **On the question of updates in Criminal Law of Germany.**

Sergey N. Ovchinnikov – PhD in Sociology, Deputy Head at the Research Institute of the Russian Federal Penitentiary Service.

The article deals with updates in the Criminal Law of Germany, in particular in the field of sanctioning and response to crimes of particular danger to the public. The institute of preventive detention has undergone a significant transformation over the past fifteen years; the criminal law ties up application of this institute not so much with a crime committed but with a personality of a perpetrator of crime and potentiality for committing a new crime against life, health, sexual immunity and sexual freedom of an individual. The motivating impulse to adjust the national legislation was the judgment made by the European Court of Human Rights, which has found violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms committed in execution of preventive detention.

Keywords: Criminal Law in Germany; execution of criminal penalties; ECHR legal usage.

• **General and typological characteristics of Islamic criminal procedure.**

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

Patimat A. Gusenova – PhD Candidate in the Department of Criminal Procedure and Criminalistics at Saint-Petersburg State University.

The article deals with the general features of the Islamic criminal procedure in the context of its religious origin predetermining its specific features of the Islamic criminal procedure in the comparative typological approach. The authors substantiate the conclusion that the Islamic criminal procedure is a typical religious and legal form of the judicial proceedings in the Muslim states; it may be regarded as an archetype of the modern forms of judicial proceedings in the Islamic states (under the comparative and historical approach); as a process of investigative type (under the comparative law approach); as a procedural and legal standard (the process of some Muslim countries as real models for comparison).

Keywords: Islamic criminal procedure; religious type; general features; archetype; investigative type; procedural reference (real models).

METHODOLOGY OF LEGAL SCIENCE

• **Scientific basis for detection of crime: modern methodological and didactic problems.**

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

Dmitry V. Isyutin-Fedotkov – PhD in Law, Doctor of Philosophy, Associate Professor, Head of Legal Support Services at the «Voskhod» Research Institute.

The article considers the main trends in improving the scientific basis of operation of criminal prosecution bodies in the field of identification, detection, investigation of crimes and arising in this connection problems of systematizing the knowledge related to formation of particular forensic methods. The authors propose solutions to the methodological and didactic problems in the field of modern knowledge on detection of crimes.

Keywords: criminal policy; scientific methods of investigation; science and technology achievements; specific legal disciplines; didactic problems of forensics.

FROM LEGAL SCIENCE TO PRACTICE

• **On the medical, legal and forensic aspects of first aid treatment by police officers.**

Yulia N. Aksyonova-Sorokhtei – PhD in Law, Associate Professor in the Department of Business Law at Immanuel Kant Baltic Federal University.

Vladimir M. Meshkov – Doctor of Laws, Honoured Lawyer of Russia, Professor in the Department of Criminal Procedure, Criminalistics and Legal Informatics at Immanuel Kant Baltic Federal University.

This article discusses the medical, legal and forensic aspects of first-aid treatment by police officers. Attention is drawn to the need to put on record vestigial traces of crime at the place where the victim was found.

Keywords: police officers; first aid; Federal Law «On Police»; record of vestigial traces at the crime scene; interviews with victims; health care professionals; medical care.

• **Use of expertise in scene investigation in connection with illegal forest harvesting (based on materials of the far Eastern federal district).**

Maria A. Vasilieva – Lecturer in the Department of special subjects of Vladivostok branch of the Far Eastern Institute of Law of Ministry of Internal Affairs of Russia

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

The article analyzes the problems arising from the use of expertise by persons inspecting a scene of illegal forest harvesting. It is proved that gaps in expertise of such persons prevent making such inspection with high quality, thereby reducing the detection rate of the component elements of crime under consideration, forming the conditions for misleading a head of a crime scene investigation team. The authors formulate a conclusion that knowledge of tactics used in inspecting an illegal harvesting scene, appearance of tree species most affected by illegal harvesting in the territory of the Far-Eastern Federal District help to eliminate the drawbacks mentioned and to optimize the process of investigation. The article specifies the basis of the algorithm for determining the tree species by a butt saw cut.

Keywords: inspection of the scene; determination of timber species; expertise; illegal forest harvesting.

• **Problems of criminalization and determination of a nature of a crime under article 171.2 of the Russian Criminal Code.**

Olga A. Ivanova – PhD Student at Saratov State Law Academy, Assistant Efremov Interdistrict Prosecutor.

This article examines some issues of determining the nature of a crime that may arise in application of Article 171.2 of the Russian Criminal Code and their possible solutions.

Keywords: illegal business; illegal gambling business.

SCIENTIFIC LIFE

• **Reflection of research studies published in the «Criminalist’s Library Scientific Journal» in the Russian Science Citation Index (RSCI): current status and recommendations to authors.**

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

The article presents an overview of reflection of research studies published in “Library of the Criminalist. Scientific Journal” in the Russian Science Citation Index (RSCI) and formulates recommendations to authors for improvement of reflection of their research results.

Keywords: National information-analytical system «Russian Science Citation Index» (RSCI); Scientific Electronic Library (NEB) «eLIBRARY.RU»; reflection of research results; scientometric data; publication activity.

CRITICAL REVIEWS

• **On monograph by N.V. Miroshnichenko «Criminal law characterization of crimes related to breach of professional duties: issues of history, theory and practice» (M.: Ilexa, 2012. 236 pp.).**

Sergey V. Maksimov – Head of the Sector of Criminal Law and Criminology at the Institute of State and Law of the Russian Academy of Sciences.

Georgiy A. Rusanov – PhD in Law, Associate Professor in the Department of Criminal Law at the Russian Academy of Justice.

This critical review deals with the monograph by N.V. Miroshnichenko, which sets out the results of studying the poorly explored problem of criminal law combating crimes related to breach of professional duties.

Keywords: breach of professional duties; crime.