

● **Truth in Criminal Law: A Problem Statement.**

Yury V. Golik – Doctor of Laws, Professor at Elez State University.

Truth as category of philosophy has always attracted the attention of thinkers from different eras and different nations. The manifestation of truth in various spheres of human practice is different. Criminal law is no exception. The paper analyses the truth as a category of knowledge, and how it manifests itself in understanding crime and punishment and in classifying offences.

Keywords: criminal law; crime; punishment; classification of offences; fight against crime; truth; philosophy of criminal law.

● **The Principle of Achieving Objective Truth in the Context of the Purpose and Objective of Criminal Process.**

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

The article analyses a highly debatable in the science of criminal procedure problem of enshrining in law the principle of achieving objective truth. The author offers his own definition of doctrinal principle of achieving objective truth in criminal process. It is noted (1) that the purpose and objective of criminal process dictate the need for the design of specific rules of evidence, due to the real co-existence in the criminal process of mixed type of objective and formal truth; (2) that the objective truth is not opposed by formal, legal, but subjective truth, and proven knowledge is not insured against acts of subjectivity in the face of many conflicting interests of the parties to criminal proceedings; (3) that the existing and ever-increasing manifestations of the criminal procedural form and formalism inevitably have an impact on the nature and content of objective truth, and the adversarial process is one of the most effective means to achieve it. Attention is drawn to the fact that a comprehensive, full and objective investigation of the case is the aim of the process of proof, but not of the criminal proceedings as a whole. It is proposed to make an appropriate addition relevant to the above postulate to the criminal procedure law.

Keywords: principle of achieving objective truth; purpose and objective of the criminal process; objective of proof process; draft law; Investigative Committee of the Russian Federation.

● **The Criminal Process: The Protracted Confrontation to the Middle Ages.**

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Unlike physics, chemistry and other disciplines, jurisprudence is a conservative branch of science. Time of appearing something new and revolutionary is calculated almost by centuries. Therefore, lawyers spend efforts on searching different versions of explanation of something obvious. An ascertaining of the problems is not completed by the development of solutions. In a "hot" discussion about objective truth the real causes of the needed full reestablishment of the institute of criminal proceedings (case) for additional investigation had drowned. The overdone attempts to universalize the concept of competition lead to the transformation of the Court from Drama Theatre into the Operetta, where "everything is good, beautiful marquis" and in the basis of the sentence there is not evidence, but the principle "who will deceive whom." In the age of technological progress it is unacceptable to practice postulate about the right of the suspect not to testify against himself. Lying, hiding the truth in any forms is not allowed. There must be no exceptions for the criminal. However, to testify – is not only to

provide evidence during the interrogation. Modern technologies allow obtaining the needed information without will and desire of the individual. There are examples of this out there. The pseudo-right of the suspect not to testify against himself is a disincentive for the development of such technologies and their introduction into the procedural practice. It is equally relates to the lateral interpretation of the rights and freedoms of the individual.

Keywords: burden of the past; truth; adversariality; accusatory tendency; rights of suspect; rights and freedoms of the individual.

- **The Truth in Modern Russian Criminal Process.**

Aleksandr B. Solovjev – Doctor of Laws, Professor.

Recently, the problem of truth in criminal process has attracted attention of the wider legal community and caused considerable debate. Virtually all speakers recognise the existence and importance of this procedural concept, and their principled differences usually stem from procedural preferences and interests that define the approach, argumentation and resulting point of view. There can be seen quite clearly two positions – objective and formal (legal) truth. The author substantiates the conclusion about a close relationship and interdependence of the concept of truth with the general provisions (notably with the purpose and principles) and other key concepts of the criminal process. At the scientific and legislative level, these issues are not adequately addressed. In this regard, the article shows that to solve the question of the nature of truth in criminal proceedings is only possible through further development of the science of criminal procedure and the improvement of the general provisions of the criminal procedure law. The article also sets out a number of provisions and recommendations based on a systems approach and integrated addressing of a number of interrelated issues in the criminal justice process.

Keywords: criminal process; purpose and principles of criminal proceedings; adversariality; parties to criminal proceedings; public and personal interests; truth.

CRIMINAL LAW

- **The Criminal Legal Status of a Medical Worker.**

Aleksandr G. Blinov – PhD in Law, Associate Professor in the Department of Criminal Law and Criminal Execution Law at Saratov State Law Academy.

The paper is devoted to the study of criminal legal status of a medical worker, as an integral part of the mechanism of criminal law protection of patient's rights and freedoms. In criminal legal relations, medical worker is seen as a subject that has a special legal status and social role associated with their profession. The criminal law obligations and rights, that constitute the basis of the legal status of medical workers, setting boundaries to proper and admissible conduct of subjects of criminal legal relations, are reviewed through the prism of professional status. It is concluded that the set of those obligations and rights must be optimal for creating conditions for unimpeded implementation of the rights and freedoms of the patient who has come into public health and criminal legal relations.

Keywords: criminal law; medical worker; patient; status; duties; rights.

- **A Median Sanction and Judicial Practice of Imposing Punishment.**

Olga V. Bondarenko – Federal Judge of the Scherbinovsky District Court of the Krasnodar Region.

The imposition of a fair punishment has always been a difficult task. Its solution is dependent on the type of liability established by law and taking into account the features of the offence by the court. The article compares the median sanction for theft with the average sentences imposed for this kind of offence, explaining discrepancies and offering relevant proposals.

Keywords: alternative; law; median sanction; punishment; sentence; judicial practice.

● **Criminal Liability and Criminal Law Effect.**

Yaroslav N. Ermolovich – PhD in Law, Lecturer in the Department of Criminal Law at the Military University, Moscow.

The article analyses the existing Russian criminal laws, a number of historical criminal instruments, as well as scientific works in the field of criminal law. The author finds that criminal law affects social relationships even before the commission of the offence and in addition to. This influence is reflected in the existence of a number of incentive, binding and enabling provisions of criminal law. The absence in the criminal law of the concept and content of criminal liability is its major drawback. At present there is a need to eliminate the contradictions existing in the current criminal legislation, to redesign its structure on the basis of a logically and correctly constructed theory, to introduce a number of new legal rules dealing with entity types and forms of criminal liability, and to establish a mechanism for implementing the provisions on crime prevention and other regulations which are now only declarative.

Keywords: criminal liability; criminal legislation; criminal law; positive liability; retrospective liability.

● **Criminal Protection of Aquatic Biological Resources.**

Elena P. Ilyina – Assistant for Information and Statistics Support to the Head of the Kamchatka Region Investigative Department of the Investigative Committee of the Russian Federation.

On the basis of the norms of international law and the criminal law of the Russian Federation, the article analyses the concept of aquatic biological resources and related concepts, as well as the criminal prohibitions against infringement of safety of aquatic biological resources and the criminal law remedies for their protection. The author gives an assessment of the strengths and weaknesses of the RF Criminal Code's rules aimed directly or indirectly at the protection of aquatic biological resources.

Keywords: international legal instruments; aquatic biological resources; criminal prohibitions; criminal protection.

● **Problems of the Classification of Illegal Access to Computer Information.**

Aleksandr Yu. Karamnov – Lecturer in the Department of Public Law at the Second Tambov branch of the Russian Presidential Academy of National Economy and Public Administration.

The article addresses some problems of classifying offences in the field of computerized information. It discusses such notions as deleting, blocking, modification, copying, and destruction of computer information. The author draws attention to the fact that the application of the criminal law often depends on the judicial and investigation practices developed in a particular region of the Russian Federation.

Keywords: computer crimes; illegal access; computer information; modification, destruction, copying of computer information; judicial practices.

● **Problems of the Classification of Crimes Committed against Two or More Persons (on the example of Part 4 of Art. 134 of the RF Criminal Code).**

Lyubov Yu. Larina – PhD in Law, Associate Professor in the Department of Criminal Law and Procedure at Ryazan State University.

Inga V. Pantyuhina – PhD in Law, Associate Professor, Head of the Department of Criminal Law and Procedure at Ryazan State University.

The article examines the problem of criminal liability for sexual intercourse with a person under the age of 16 committed against two or more persons. Emphasis is made on distinguishing a single complex crime from multiple offences. Attention is drawn to the difficulties encountered in classifying offences under Part 4 of Art. 134 of the RF Criminal Code in cases of mitigating or

aggravating circumstances; in cases where the act has not been completed in respect of one of the victims, as well as in cases where, upon conviction for the first offence, it appears that the person has committed similar acts against another victim. To address the identified deficiencies the authors suggest abolishing the classification criterion “against two or more persons”.

Keywords: classification of crimes; crimes against two or more persons; multiple offences; a single complex crime; sexual intercourse; sodomy; lesbianism; minors.

● **Generic and Specific Objects of Crimes Committed in the Early Stages of Establishing Criminal Control Over Management and Assets of an Enterprise.**

Vasiliy D. Larichev – Doctor of Laws, Professor, Leading Research Fellow at the Research Centre for Economic Security Problems, Counteracting Corruption and Providing Security to Persons Protected by Government.

Oleg Yu. Isaev – PhD in Law, Director General of “MRSK Tsentra” (Interregional Network Distribution Open Joint-Stock Company).

The paper analyses the existing in legal literature viewpoints on the concept of generic and specific object of crime. It is noted that many of the authors, in their definition of those objects, have blindly transferred into their concept the titles of sections and chapters contained in the RF Criminal Code or define them in any general term that has quite a wide interpretation. But no matter how the authors would call these concepts, the system of rules contained in the sections and chapters of the Criminal Code would not be changed or upset. According to the authors, the generic object of crime of Section VIII of the Criminal Code should include the specific objects of crime provided for in Chapters 21, 22 and 23 of the Criminal Code, and therefore there should be defined every specific object included in Chapters 21, 22 and 23 of the Criminal Code, followed by a synthesis of those specific objects to define on that basis the generic object. The same applies to the specific object of crime. That is, the specific object of crime should in summary form represent all direct objects of crime under that or another chapter of the Criminal Code.

Keywords: object of criminal attack; generic object of crime; specific object of crime; direct object of crime; criminal control over management and assets of a company; corporate raiding .

● **Debatable Points of Chapter 28 of the RF Criminal Code.**

Mikhail M. Menzhega – PhD in Law, Associate Professor in the Department of Forensic Science Methodology at Saratov State Law Academy.

The paper focuses on problematic issues around the new wording of articles of Chapter 28 of the RF Criminal Code. Problems of changing the domestic criminal legislation are examined, analysing the terms proposed by legislators and suggesting solutions to the existing problems.

Keywords: computer data; Internet; illegal access.

● **Internet Extortion.**

Mikhail A. Prostoserdov – Lecturer in the Department of Criminal Law at Russian Academy of Justice.

The global information network of Internet has moved into a new stage of its development, creating the virtual space – a place spatially detached from the material world. However, due to uncontrolled freedom, crimes have begun being committed in that space, both classic and not previously known. The article is focused on the analysis of cyber extortion. The study addresses issues such as the definition of cyber extortion, possible ways of committing it, the actuality of damages from it and specific features of its classification.

Keywords: extortion; computer crime; Internet; cyber space.

- **Dummy Organisations through the Prism of Illegal Banking Activities.**

Vasily V. Semenchuk – PhD in Economic Science, Lecturer in the Department of Operational-Investigative Activities of Internal Affairs Agencies at the Far Eastern Law Institute of the MIA of Russia.

The article focuses on the problems of criminal law's classification of activities of dummy organisations. It presents the critical attitude of the author towards the possibility of applying the newly adopted Articles 173.1 and 173.2 of the RF Criminal Code, based on the realities of the existing economic relations and law enforcement practice. It is proposed to counter dummy organisations in terminal areas of their use, in particular illegal banking activities. To this end, the article analyses the specific features of classifying the activities of dummy organisations under Art. 172 of the RF Criminal Code. Based on theoretical studies of various authors and relevant case law, it is concluded that there is no uniform understanding of the effect of Art. 172 of the RF Criminal Code. In this regard, the author highlights the need to summarise the existing judicial practice and to develop the decision of the Plenum of the RF Supreme Court on practical applying by courts of the criminal legislation on liability for illegal banking activities.

Keywords: dummy organisations; tax evasion; encashment of funds; illegal banking activities.

- **The Object of Computer Crimes in the RF Criminal Code.**

Vladimir G. Stepanov-Egiyants – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology, Deputy Dean of the Law Faculty at Lomonosov Moscow State University.

The article discusses the general theoretical notion of the object of crime and its application to computer-related crimes. The author holds that the specific object of crimes in the sphere of information is computer security, as the offences under Chapter 28 of the RF Criminal Code infringe upon computer data security that ensures the rights and freedoms of the individual, society and state.

Keywords: object of crime; crimes in the sphere of computer information; object of computer crime.

- **Conceptual and Terminological Problems of Criminal Legislation on Computer Crime.**

Aleksandr A. Turyshv – PhD in Law, Senior Lecture in the Department of Criminal Law at Omsk Academy of the Ministry of Internal Affairs of the Russian Federation.

In the article, the author outlines the conceptual and terminological problems of computer crimes, reveals the mechanism of transformation of errors and misconceptions in the information sphere into changes to criminal legislation relating to computer crime. The author criticises the limited idea of deception as a way to impact only on man, proposing to extend it to also include the elements of an information system (technical devices, network applications). The article discusses the essence of computer information, its relationship with the subject of crime and shows the weaknesses of the legal definition of computer information. The author proposes to consider as the subject of Art. 272 of the RF Criminal Code not the computer information, but information storage media with both material and information component, and also suggests to abolish the term “other computer information”, as posing no public danger.

Keywords: computer crimes; computer fraud; deception; Art. 272 and 273 of the RF Criminal Code; computer information; conceptual problems; terminological problems; other computer information; information storage medium.

- **International Drug Conventions as Part of the Legal System and Criminal Legislation of the Russian Federation.**

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

The article looks at the international drug treaties of the Russian Federation as part of the Russian national legal system and sources of criminal law in their wider sense.

Keywords: international treaties; legal system; sources of criminal law; drug crimes; narcotic drugs; psychotropic substances; precursors of narcotic drugs and psychotropic substances.

● **Circumstances Precluding the Wrongfulness of an Act: Concept, Types and Legislative Regulation.**

Andrey P. Filchenko – PhD in Law, Associate Professor, Higher Doctorate Candidate in the Faculty of Scientific and Pedagogical Staff Training at the Academy of Law and Management of the Federal Penitentiary Service of Russia.

The article presents the author's view on the issue of ground for criminal liability and legislative regulation of circumstances negating it. This theoretical study is based on the idea of dynamic nature of ground for criminal liability, which means consistently establishing the elements of crime, signs of wrongfulness and recognising the act as offence. At any of these stages, the law enforcer can detect the circumstances precluding wrongfulness of the act. The author suggests to consider as such circumstances the legally relevant facts depriving the act of the elements of a crime. It is proved that the legal construction “signs of crime” used in Art. 8 of the RF Criminal Code, expresses a hard dependency between the general and special elements of the crime and the signs of wrongfulness of the act. The author identifies the nature of that relationship. A classification of circumstances precluding the wrongfulness of an act is offered.

The author also offers alternative ways of making changes and additions to Art. 24 of the RF Code of Criminal Procedure, which will allow bringing it in line with Art. 8 and Part 1 of Art. 14 of the RF Criminal Code.

Keywords: circumstances precluding wrongfulness of an act; ground for criminal liability; elements of a crime; signs of wrongfulness of an act; absence of elements of a crime; public danger; unlawfulness; culpability; punishability.

CRIMINAL PROCEDURE

● **Some Issues of Combating Cybercrime.**

Alexey A. Ageev – Deputy Head of Department at the Navigation Policy Directorate of the Ministry of Transport of the Russian Federation.

The article attempts to address some of the problems of combating cybercrime. Based on the analysis of international law rules, the current legislation of the Russian Federation and law enforcement against legal doctrine, the author has formulated proposals for the resolution of a series of questions in combating cybercrime.

Keywords: application of criminal law in space; Convention on Cybercrime; Agreement on Cooperation among the States members of the Commonwealth of Independent States in combating offences relating to computer information; rules of criminal procedure.

● **Lie Detector and the Legal Opinion of Scholars in Criminal Process: Realities and Prospects.**

Vladimir M. Bozrov – Doctor of Laws, Professor, Honoured Lawyer of the Russian Federation, Head of the Department of Judicial Activities at Ural State Law Academy.

The article examines the problems of application of odorology, polygraph, and other technical facilities in the process of proof in criminal cases. The advisability of admission of doctrine-based legal opinions in criminal process is justified.

Keywords: expert; examination; evidence; sources of evidence; subject of proof; doctrine-based legal opinion.

- **The Procedural Aspects of Using Computer and Video Technology to Ensure the Safety of Participants in Criminal Proceedings: International, Foreign, and Russian Experience.**

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

The article looks at the use of computer and video technology to ensure the safety of participants in criminal proceedings. It presents relevant instruments of the United Nations and its specialized agencies, the Council of Europe and other regional and international organizations, precedents of the European Court of Human Rights, and laws of foreign countries.

An assessment is made of how the RF Code of Criminal Procedure complies with the above sources. The author also comments on the application of its provisions providing for the use of these technologies in the domestic proceedings.

Keywords: computer and video technology in criminal proceedings; ensuring the safety of participants in criminal proceedings; state protection of victims and witnesses; disclosure and playback of video-recorded testimony from witnesses and victims in court.

- **The Secret of the Deliberations Room: Legal Regulation and Substantive Violations of the Laws of Criminal Procedure.**

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

The article focuses on the issue of preserving the secrecy of the judges' deliberations when sentencing on complex criminal cases in connection with the lengthy process of drawing up the full sentence.

Keywords: secret of the deliberations room; RF Code of Criminal Procedure; sentence; complex criminal cases; violation of laws of criminal procedure.

- **On Some Features of Special Knowledge Used in the Investigation of Criminal Cases.**

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

The article examines the most controversial features of special knowledge such as unnotoriousness and non-legal nature. On the basis of this, the author articulates a set of conclusions and recommendations regarding each feature in question.

Keywords: specialist; expert; features of special knowledge; legal examination; expert opinion; notoriousness.

- **Problems of Implementation of Certain Provisions of the New Criminal Procedure Code of Ukraine.**

Valentina P. Korzh – Doctor of Laws, Honoured Worker of Public Prosecutions of Ukraine, Professor of the Department of Criminal Law at Kharkov National University of Internal Affairs.

The article analyses the main provisions of the new Criminal Procedure Code of Ukraine.

The author identifies legal conflicts between the legal instruments and certain separate rules; conflicts in law making and enforcement practices; as well as conflicts between the powers of the prosecutor, operations officers, the investigator, and the investigating judge.

Keywords: Criminal Procedure Code of Ukraine; legal conflicts; criminal wrong; minor criminal infraction.

- **Ensuring the Rights of the Victim at the Conclusion of Pretrial Agreement on Cooperation in the context of International Law, Foreign and Domestic Legislation.**

Vladimir A. Sementsov – Doctor of Laws, Professor in the Department of Criminal Procedure at Kuban State University.

Irina R. Valshina – PhD student in the Department of Criminal Procedure at Kuban State University.

Based on the analysis of the norms of international law, the laws of some countries, the provisions of the domestic law of criminal procedure and the legal positions of Constitutional Court of the Russian Federation and of the plenum of the Supreme Court of the Russian Federation, it is concluded that according to legislators' concept the victim is not take part in the conclusion of the pretrial agreement, since this is contrary to effectively counter organised forms of criminal activity and unnecessarily complicates the procedure of criminal proceedings. It is also justified that the solution of social problems of struggle against crime must still take into account the interests of the victim by including in actions that the suspect or accused person shall commit, the recognition of a civil action brought against and its compensation, and if the suspect or the accused can not fulfill this obligation, the mechanism of compensation by the state should be applied.

Keywords: pretrial agreement on cooperation; victim; rights and freedoms; bargain with justice; reparation of damages; compensatory payments.

● **Foreign Legal Experts and Lawyers in the Russian Criminal Process (Some Implications of Russia's WTO Accession).**

Andrey A. Timoshenko – PhD in Law, Associate Professor in the Department of Prosecutorial Supervision over Implementation of Laws in Operational-Search Activities and Participation of Prosecutor in Criminal Proceedings at the Academy of the General Prosecutor's Office of the Russian Federation.

The Russian Federation's accession to the World Trade Organization (WTO) affects all aspects of economic life of the country, and the field of providing professional legal services in criminal proceedings is also of no exception. In this regard, the author addresses the participation of foreign lawyers in the Russian criminal process as defenders. The analysis takes into account the provisions of the List of specific commitments on services of the Russian Federation, which is annexed to the Protocol on the Accession of the Russian Federation to the Marrakesh Agreement establishing the WTO of April 15, 1994, signed December 16, 2011. The author concludes that there is a need to make changes to the criminal procedure law to ensure the ongoing process of integrating Russia into the international economy. This process is only possible with the need to ensure the right of everyone to qualified legal assistance. It is therefore proposed to enshrine in the RF Code of Criminal Procedure a rule on the participation of foreign lawyers in criminal proceedings only in conjunction with Russian defender, a specialist in the national law of the Russian Federation.

Keywords: World Trade Organization; lawyer; right to a defence; right to a fair trial; international treaty.

● **Ordering a Forensic Examination in the Preparation of the Criminal Case for Hearing.**

Aleksandr V. Shigurov – PhD in Law, Associate Professor in the Department of Criminal Law, Criminalistics and Criminology of the Law Faculty at the Mordovian State University named after N.P. Ogarev.

The article investigates the problems of the procedural procedure of ordering forensic examinations in preparation for the trial. The author states the importance of early ordering of forensic examinations on a criminal case that has come to court, and justifies the need to regulate the powers of the judge in conducting the preliminary hearing to decide whether to order a forensic examination, in case where grounds for the examination are set by the court itself or taking account of the requests of the parties. In addition, the article also addresses the issues arising in the implementation by the defence of their rights to participate in ordering a forensic examination and to engage a specialist.

Keywords: criminal proceedings; preparation of the case for hearing; preliminary hearing; forensic examination.

CRIMINOLOGY

● **Countering Extremism on the Internet: International, Foreign and Domestic Aspects.**

Zarema M. Beshukova – PhD in Law, Senior Lecturer in the Department of Criminal Law and Criminology at the Adyghe State University.

The article looks at the problem of information security. Structurally the article is divided into three parts, dealing respectively with the analysis of the international documents in the field of countering extremism on the Internet, developed at the level of the Council of Europe; the questions of rules and regulations related to the field of information and communication technologies in particular European countries; and the analysis of the domestic legislation on countering extremism on the Internet, including the criminal legislation. In the final part of the article, proposals are made with regard to the introduction of specific changes into the text of the Criminal Code of the Russian Federation.

Keywords: Internet; information security; extremism; international cooperation.

● **Some Aspects of the Issue of Hostile Takeovers (Corporate Raiding) to Be Considered in Countering It.**

Karl E. Boksyán – Director of the Department of Amalgamations and Acquisitions at the Representative office of First Quantum Group Ltd.

The article provides data demonstrating the socio-economic essence of corporate raiding, offers the classification of types of raiding, and focuses on its causes. It is concluded that often the cause of raiding would be the undervaluation of assets of business entities. Also articulated are the organisational, including legal, and some other causes and conditions contributing to corporate raiding.

Keywords: hostile takeovers; crime of corporate raiding; causes and conditions.

● **Combating Illegal Migration: Legal and Organisational Aspects.**

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Oksana I. Popova – Chief of the Division of Legislation on Passport Control and Internal Migration of the Department of Legislative Work of the Federal Migration Service of Russia.

Based on the analysis of the current activities of the Russian competent law enforcement agencies on combating illegal migration, the article (1) justifies the necessity to supplement Article 322.1 of the Criminal Code, “Organisation of illegal migration”, with a classification criterion where the acts set forth in the article are committed by a group of persons by prior conspiracy, as well as to impose by this legal provision the responsibility of officials for abuse of position; (2) offers the author’s version of wording for the proposed new articles of the Criminal Code: Art. 322.2. “Support for the organisation of illegal migration” and Art. 322.3. “Illegal entry into the Russian Federation”; (3) puts forward well-reasoned proposals on granting the officials of the Federal Migration Service investigative powers of a body of inquiry, as well as the implementation of specific measures to improve the organisational support for combating illegal migration .

Keywords: illegal migration; combating illegal migration; legal and organisational support for combating illegal migration; officials of the Federal Migration Service; system of immigration control; state border; border regime.

- **Conflict Interaction Management in Criminal Proceedings: Criminalistics and Psychological Aspects.**

Boyko G. Ganchevski – Doctor of Psychology, Professor of Criminal Psychology at St. Kliment Ohridski University of Sofia, Bulgaria.

Roman G. Zorin – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Janka Kupala State University of Grodno.

Roza M. Zhamiyeva – PhD in Law, Associate Professor, Head of the Department of Criminal Procedure and Criminalistics at Karaganda State University named after academician E.A. Buketov.

The article examines the issues of managing conflict interaction in the criminal process. Attention is given not only to the legal, procedural aspects of the problem, but also to criminalistics and psychological aspects. Taking into account the psychological behavioural patterns, some recommendations are given to professional participants in criminal proceedings, which will allow avoiding manipulation of them or controlling others to prevent conflicts. Strategy and tactics of behavior to prevent or manage conflict have been developed. Psychological and behavioral techniques of communication that can be effectively applied in criminal proceedings are offered. Those techniques were designed in the psychology of behaviour and social psychology, and include the effect of “framing”, maintaining a good mood, tactics of agreement, the anchoring effect, and strategies of self-impeding, self-representation and symbolizing.

Keywords: conflict; criminal process; the prosecution; the defence; conflict interaction management; psychology of behaviour; criminalistics.

- **Information on a Typical Environment of the Illegal Crossing of the State Border of the Russian Federation by a Group of Persons by Prior Conspiracy.**

Rustam Z. Emaletdinov – Senior Lecturer in the Department of Criminal Law at Kurgan Border Control Institute of the Federal Security Service of the Russian Federation.

The article discusses modern approaches to the definition of the concept and structure of a typical environment of crime commission as an element of forensic characterisation of the illegal crossing of the state border of the Russian Federation. A thesis is justified that the environment of the illegal crossing of the state border by a group of persons by prior conspiracy should be defined as an aggregate of external conditions of different nature of a specific objective situation with temporal and spatial characteristics, under the influence of which the accomplices in the crime perform actions to prepare, commit, and conceal the crime. The article presents a system of elements in the structure of the environment of crime commission, in which it is advisable to include: criminal situation, and time and place of the crime.

Keywords: illegal crossing of the state border of the Russian Federation; forensic characterisation; a group of persons involved in a prior conspiracy; a typical environment of crime commission.

- **Resistance to Investigation: The Concept, Contents and Ways to Overcome It.**

Anatoly M. Kustov – Doctor of Laws, Professor, Head of the Department of Judiciary and Management of Law Enforcement Activities at the Academy of the Prosecutor General’s Office of the Russian Federation.

During the course of preparation and direct commission of a crime and after its completion, when criminals have become aware of the facts that law enforcement agencies collect and verify materials concerning their criminal activities, there triggers their physiological instinct of self-preservation and self-protection, that is the natural need for freedom, and also to avoid criminal responsibility for their acts. Studies have shown that in a significant number of criminal

cases investigation process was faced with non-qualified or qualified opposition from both the participants to criminal events, as well as strangers to those crimes. A planned and well-organized intervention in the investigation of criminal cases most clearly shows up where the offense is committed by members of a criminal formation (organised group, organisation, conspiracy). An external resistance to investigation is frequently used in circumstances where the offense is committed by organised groups or conspiracies. The article discusses some of the findings and conclusions of the research into the forensic aspects of the problem of resistance to investigation.

Keywords: resistance to investigation; overcoming resistance.

● **Objects of Forensic Science and Its Development.**

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Yuliya S. Komyagina – PhD in Law, Associate Professor in the Department of Criminal Law, Penitentiary Law and Criminology at Saratov State University.

The article shows the importance of the research into objects of science in optimising the general theory of forensic science. The authors discuss the concept of object of forensic science and epistemological problems of its interpretation. Based on the analysis of the development of scientific views on the objects of science, the authors justify the necessity of a paradigm change: the transition from the study of crimes to the analysis of the criminal's behavior. As the second main object of forensic science, they identify the activities of an investigator as the main recipient of scientific recommendations.

Keywords: general theory of forensic science; object of science; criminal's behavior; forensic activities of the investigator.

● **The Essence of Forensic Identification.**

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

The article analyses the essence of the three meanings of forensic identification concept, involving scientific theory, the method of scientific cognition, and the process of scientific cognition.

Keywords: investigation of criminal acts; theory of criminalistics; methods of forensic cognition; forensic identification.

INTERNATIONAL CRIMINAL LAW AND JUSTICE
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● **Fraude à la Loi: Idiosyncrasies and Practical Value.**

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Fraude à la loi has rarely been in the offing of specialists in international criminal law. It is almost ignored by legislators as well. However since the middle of the XVIIth century and until now it has been one of unfairly forgotten mechanisms of fight against transnational crime. In this article idiosyncrasies of the fraude à la loi are elucidated based on the crime of bigamy as contained in Canadian legislation; the author also outlines the value this institute may have as an instrument of state's criminal policy.

Keywords: fraude à la loi; international criminal law; bigamy.

COMPARATIVE JURISPRUDENCE

● **Types of Military Offences under the Criminal Law of Ukraine.**

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Using the example of the criminal legislation of Ukraine, the article explores the problem of categorising military offences into types defined by grade. Attention is focused on the classification of such crimes by severity and object. Theoretical and practical value of those classification criteria are detailed. Attention is drawn to the shortcomings of the existing system of military offences suggesting specific ways to address them, and presenting the author's vision of such system.

Keywords: military offence; classification of military offences; classification criteria; types of military offences; object of offence; seriousness of offence; public danger of offence.

METHODOLOGY OF LEGAL SCIENCE

● **Problems of Application of Innovative Teaching Methods and Developing General Cultural and Professional Competencies When Studying the Criminal Process.**

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

The article discusses the problems associated with the introduction of ideas of the Bologna process into Russian educational system. A critical analysis is provided on the application of a module-rating system to assess students' knowledge when studying the law of criminal procedure. The author concludes that in the search for new forms, ways and methods of teaching, forms of control of students' knowledge, we should not forget about our own national peculiarities, mentality, and the consistency and continuity of our domestic experiences and traditions.

Keywords: higher school; innovative teaching methods; quality of education; criminal proceedings; professionalism; national traditions.

● **On the Quality of Information Obtained from Respondents in Criminology-Specific Research into Penitentiary Problems.**

Igor A. Uvarov – PhD in Law, Associate Professor, Head of the Department of Criminal Law Disciplines at Nevinnomyssk State Humanitarian Technical Institute.

The article examines the practice of obtaining results in the course of criminology-specific research in penitentiary institutions. The author questions the quality of the information obtained in the course of such research, and also shares his personal experience of conducting a criminology-specific research in correctional facilities.

Keywords: penitentiary system; criminology-specific research; effectiveness of criminology-specific research.

LEGAL SCIENCE IN PRACTICE

● **Objectivity and Impartiality of the Judge in Summing-Up for the Jury (the story of one expert examination).**

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

Artyom E. Bosov – PhD in Philology, Assistant to the Chairman of the Federal Arbitration Court of the Volga-Vyatka Region.

The article examines the impact of judge's summing-up upon the formation of jurors' inward conviction. Conclusions are drawn on the possibility of identifying the judge's bias through forensic linguistic analysis of textual and speech aspects of the presiding judge's summing-up. An attempt has been made to use forensic linguistics to address criminal justice issues. Markers indicating the breach of objectivity and impartiality when summing-up, are also examined. It is concluded that some of the basic mechanisms of jury trial have not yet been properly worked out and/or adopted.

Keywords: jury trial; summing-up; forensic linguistics.

- **Special Aspects of Detecting, Preventing and Classifying Offences Related to Drug Dens Organisation and Maintenance.**

Anton E. Shalagin – PhD in Law, Associate Professor, Head of the Department of Criminology and Penitentiary Law.

The article examines the legal elements of the crime under Art. 232 of the RF Criminal Code (organisation or maintenance of dens for the consumption of narcotic drugs, psychotropic substances or their analogues). Particular attention is paid to the problems of classification and prevention of such crimes. Proposals are offered for the improvement of criminal and administrative law. Recommendations are also given on the detection and initial investigation of crimes of this nature.

Keywords: public health; drug addiction; narcotic drugs; psychotropic substances; potent substances; analogues of drugs; drug dens; organisation or maintenance of drug dens.

- **Authors Information**

- **Manuscripts Submission Guidelines**