

CRIMINAL LAW

- **On an object of crime envisaged by article 134 of the criminal code of the Russian Federation.**

Arseniy A. Bimbinov – PhD Student in the Department of Criminal Law at Kutafin Moscow State Law University.

The article deals with a direct object of crime envisaged in Article 134 of the Criminal Code of the Russian Federation. It analyses different interpretations of such concepts as sexual freedom and sexual integrity. Special attention is paid to a victim as part of a crime.

Keywords: sexual freedom; sexual integrity; sexual development; a minor under the age of sixteen.

- **A patently false message about a terrorist act as formulated by the Federal law of May 2014.**

Galina V. Verina – Doctor of Laws, Associate Professor, Professor in the Department of Criminal and Criminal Execution Law at Saratov State Law Academy.

The article presents the author's assessment of quality of Federal Law No. 98-FZ of May 5, 2014 «On Amendments to Article 207 of the Criminal Code of the Russian Federation and Articles 150 and 151 of the Code of Criminal Procedure of the Russian Federation» and sets out proposals for improvement of rules specifying the criminal responsibility for patently false messages about a terrorist act.

Keywords: patently false message; novelties of the criminal law; quality of the criminal law; differentiation of criminal responsibility; qualifying properties; criminal law sanctions.

- **Understanding of a direct object of crime as a social bonding and qualification of infringements on life and health.**

Viktor N. Vinokurov – PhD in Law, Associate Professor of the Department of Criminal Law and Criminology at Siberian Law Institute of FSKN of Russia.

The article deals with public relations as a direct object of crime at the level of social bonding where participants of relations are the main element. Such understanding of the direct object of crime allows qualifying, in other way, in contrast to the traditional view of the object of crime, infringements on an «absent» victim, in case of error in the victim's identity, in case of «refusal to act», as well as in case of infringement on health and life of two or more victims.

Keywords: public relations; social bonding; aftereffects; set of crimes; victim; primary and secondary objects; life; health.

- **Right of the state to criminal punishment: subjective content and objectivisation forms.**

Dmitry V. Gurin – Lecturer, PhD Student in the Department of Criminal Law at the Russian Academy of Justice; Senior Specialist in the Division for the Review of Complaints on Criminal Matters at the Office of the Representative of the Russian Federation at the European Court of Human Rights – Deputy Minister of Justice of the Russian Federation.

Criminal punishment, being understood as a state-owned subjective right, has a number of properties that significantly distinguish it from all other means of punitive action. In addition to expediency and proportionality as general principles of the punitive power, a precondition for legitimate implementation of the subjective right of the State to criminal punishment is its pre-objectification in the form of regulatory stipulations. The article attempts to evaluate the criminal law expansion from the standpoint of the principle of legality and to identify some of the absolute limits of implementation by the State of the right to criminal punishment.

Keywords: right of the State to criminal punishment; principle of legality; human rights and criminal law; criminal punishment and other forms of public law liability; general legal consequences of a record of conviction.

- **Current issues of running a record of conviction in case of conventional pre-schedule relief from serving the punishment with additional punishment.**

Aleksandr A. Rybakov – Head of the Vyaznikovsky Interdistrict Investigative Department.

Sergei V. Rastoropov – Professor in the Department of Law Disciplines of the Higher School of State Audit at Lomonosov Moscow State University; Professor in the Department of Prosecutorial Oversight of Compliance with Law in Investigative Search Activity and Prosecutor's Participation in Criminal Proceedings at the Academy of the General Prosecutor's Office of the Russian Federation.

The article deals with studies of an institute of an unserved term in case of pre-schedule relief. Following the study, the authors have outlined the problems of theoretical and practical nature and made proposals for their solution.

Keywords: punishment; convicted person; pre-schedule relief; probationary period; record of conviction.

- **Issues of improvement of criminal legislation on responsibility for tax and/or charge evasions.**

Irina M. Sereda – Doctor of Laws, Professor, Head of the Department of Criminal Law and Criminology of Irkutsk Law Institute (the Irkutsk branch) of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article is devoted to topical issues of criminalisation of tax and/or charge evasions. While supporting the position of the majority researchers that public danger acts as a basis of criminalisation, the author notes that there is no unified approach to determination of a social danger structure in the theory of criminal law. In this case, the criminal law distinguishes the qualitative – nature – and quantitative – degree – aspects of the public danger. The article considers the nature of the social danger of tax evasion, as well as peculiarities of its quantitative aspect. The author also studies a matter of liability for failure to pay one of the mandatory payments – contributions to extra-budgetary funds.

Keywords: public danger; taxes and/or charges; criminalisation; state non-budgetary funds; tax crimes.

● **On definition of concept of «malicious computer program» in the criminal code of the russian federation.**

Vladimir G. Stepanov-Egiyants – PhD in Law, Master of Laws (California Western School of Law, 2004), Associate Professor in the Department of Criminal Law and Criminology, Deputy Dean of the Law Faculty at Lomonosov Moscow State University. The article discusses various scientific approaches to the definition of a malicious computer program. The author refers to the analysis of certain regulatory documents defining the concept of a malicious program. The basic types of malicious software are considered.

Keywords: computer information; malicious computer program; computer virus.

● **Current issues of procedure for application of deferment of sentence to drug addicts.**

Roman A. Sysoev – Deputy Head of the Temporary Detention of Suspects and Defendants in the Operational Regime Work of the MIA of Russia, Ryazan.

Sergei V. Rastoropov – Professor in the Department of Law Disciplines of the Higher School of State Audit at Lomonosov Moscow State University; Professor in the Department of Prosecutorial Oversight of Compliance with Law in Investigative Search Activity and Prosecutor’s Participation in Criminal Proceedings at the Academy of the General Prosecutor’s Office of the Russian Federation.

The article considers the institute of deferment of sentence for drug addicts. The author analyses the procedure of its application at the court sentencing stage and its execution. Areas for improvement of this institute of law are suggested with account of the data obtained.

Keywords: conviction; addiction; deferment of sentence.

CRIMINAL PROCEDURE

● **Inner confidence of a judge and standard of proof in criminal cases.**

Aleksey Yu. Astafyev – PhD in Law, Lecturer in the Department of Criminal Procedure at Voronezh State University.

The article addresses the issue of substantiation of sentences related to sufficiency of evidence in a criminal case. Sufficiency of evidence, in the author’s opinion, suggests not only a certain amount of admissible evidence but its «weight»; quantity and quality of evidence are complementary properties. In conclusion, the author seeks to identify exemplary standards of proof in certain categories of criminal cases.

Keywords: evidence; standards of proof; burden of proof; reasonable doubt.

● **Use of information and legal problems in institution of criminal proceedings.**

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

Evgeniya V. Terentyeva – PhD in Law, Senior Researcher at the Research Institute of the Academy of the Prosecutor General’s Office of the Russian Federation.

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The article discusses options for use of information suitable for decision to institute criminal proceedings. It focuses on emerging issues, legal constraints. It singles out aspects of using any materials of prosecutor’s investigations. The article highlights problems associated with possibility of applying new provisions of the Code of Criminal Procedure of the Russian Federation on investigative actions, expert examinations, verification activities prior to institution of criminal proceedings. It gives interpretations of other problematic provisions related to the stage of institution of criminal proceedings.

Keywords: institution of criminal proceedings; information; investigative actions; expert examination; verification activities; interpretation.

● **Use of videoconferencing in proceedings and its possibilities in appeal.**

Lina V. Gayvoronskaya – PhD Student at Kutafin Moscow State Law University.

The article reveals current insufficiency of legislative regulation of using the videoconferencing in criminal proceedings. It analyses the current laws in regard to use of videoconferencing in the proceedings. The article identifies gaps in regulation of

using the videoconferencing in criminal proceedings. It analyses proposals made by some authors and foreign legislation in some countries. The author makes proposals to improve the laws.

Keywords: video conferencing; gaps in laws; examining a witness (victim) through videoconferencing; participation of the convicted person by videoconferencing; court of appeals; appeal.

● **Ensuring privacy in criminal proceedings: russian and foreign experience.**

Veronika Ye. Yevseenko – PhD Student in the Department of Criminal Procedure at Kuban State University, Leading Consultant at the Legal Department in Krasnodar region.

This article attempts to study the problem of privacy in the Russian criminal process. On the basis of a comparative analysis of this institute with the laws of a range of former Soviet Union countries, the author formulates proposals for improving the Code of Criminal Procedure of the Russian Federation in part relating to regulation of privacy issues.

Keywords: information constituting a secret protected by law; privacy; investigative secret.

● **Some problems of legislative regulation of admissibility of evidence in the Code of Criminal Procedure of the Russian Federation.**

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

This article discusses some problems of legislative regulation of issues related to admissibility of evidence based on the analysis of the current Code of Criminal Procedure of the Russian Federation. The author comes to a conclusion that at the present time there is a need to improve Article 75 of the Code of Criminal Procedure of the Russian Federation that deals with inadmissible evidence. We believe that the proposed developments should be taken into account both when amending the existing Code of Criminal Procedure of the Russian Federation and, possibly, when adopting a new Criminal Procedure Code of the Russian Federation in the future.

Keywords: admissibility of evidence; assessment of admissibility of evidence; rules of admissibility of evidence; «asymmetry» of the rules of admissibility of evidence; violations of the law of criminal procedure.

● **Assessment of sufficiency of evidence in determining the form of conclusion of preliminary investigation.**

Maria A. Kochkina – Lecturer at Lipetsk branch of the Russian Presidential Academy of National Economy and Public Administration.

The main content of activities performed by an official at the final stage of the preliminary investigation is to assess evidence, to find and eliminate errors and to decide on the future referral of a criminal case to court or on its termination. Particular attention should be paid to establishment of any and all circumstances within the subject of proof, as well as ensuring the rights and lawful interests of the parties involved. Decision on election of either form of conclusion of the preliminary investigation may not be taken in advance, before closing the pre-trial proceedings in the criminal case. When referring a criminal case to court, an investigator should be convinced that the accused is guilty but such finding is not binding for a prosecutor who supports the prosecution in court, and for the court itself.

Keywords: preliminary investigation; investigator; inquirer; court; termination of criminal proceedings; indictment; termination of criminal proceedings.

● **On problems of definition of provocation in activities of police authorities.**

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

One of the priorities in the criminal law section of the legal science is study of such a phenomenon as provocation, a negative element of activities of law enforcement authorities in general and the police in particular. In this regard, the legal science experiences an increased interest in studying the provocation as a legal phenomenon.

Keywords: provocation of a crime; police; security of the population; operational and investigation activity; criminal law; criminal procedural law; detection of crime; operational tracking of criminal activity.

● **Application of institute of pretrial immunity agreement in the light of explanations given by the Plenum of the Supreme Court of the Russian Federation.**

Valentina A. Lazareva – Doctor of Law, Professor, Head of the Department of Criminal Procedure and Criminalistics at Samara State University.

Yulia V. Kuvaldina – PhD in Law, Assistant in the Department of Criminal Procedure and Criminalistics at Samara State University.

The article is devoted to disputable issues of pretrial and trial proceedings in cases against the accused, who have entered into pretrial immunity agreements. The authors attempt to formulate some proposals for improving the procedures provided for in Chapter 40.1 of the Code of Criminal Procedure of the Russian Federation with account of explanations given in Ruling No. 16 issued by the Supreme Court of the Russian Federation on June 28, 2012 «On practice of application by courts of a special procedure for criminal trial in case of entering into a pretrial immunity agreement».

Keywords: petition of the accused (suspect); pretrial immunity agreement; prosecutor; special procedure for trial; victim.

● **On some problems of legislative regulation of restrictions of constitutional rights of individuals during operational and investigative activities in a marine vessel cabin.**

Larisa V. Mikhaylova – PhD Candidate of the Far East Law Institute of Ministry of Internal Affairs of Russia, Lieutenant-Colonel of Police.

This article discusses two problems arising in the course of operational and investigative activities in a marine vessel cabin due to uncertainty of its status, namely, whether a cabin at a marine vessel is a dwelling place or not. The author presents her critical position on applicability of the concept of a dwelling place set out in the criminal, criminal procedural and housing legislation, which position is based on realities of the existing law enforcement practice. With reference to theoretical studies and the case law, she concludes that there is no common understanding of the concept of a dwelling place in relation to the marine vessel cabin. The author comes to a conclusion that it is necessary to amend the current laws in terms of more concrete definition of some standards over-broadly interpreted in practice and comes to a conclusion that the marine vessel cabin need to be classified as a dwelling place during operational and investigative activities.

Keywords: operational and investigative activities; operational and investigative activity; bodies of internal affairs; dwelling place; marine vessel cabin.

● **On a just sentence.**

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

The purpose of the article is to study a phenomenon of justice in general, and that of justice in rendering judgments, in particular. Scientific methods: 1) observation; 2) deduction; 3) use of formal logic laws; 4) comparative analysis; 5) formal legal method; 6) mathematical modeling. Scientific results obtained by the author: 1) definition of justice; 2) general proposals on scaling the coordinate axes of actions and punishments; 3) identification of a range of problems in the existing judicial practice when rendering just sentences. The practical significance lies in possibility to use the obtained scientific results in development of the criminal law theory and the criminal procedure theory; enhancement of the level of justice when rendering judgments.

Keywords: judgment; justice; rule of law; soundness; crime; punishment; public justice; criminal law; criminal procedure.

● **Conceptualisation of the principle of equity in criminal process.**

Nikolay A. Podolnyy – Doctor of Laws, Associate Professor, Professor in the Department of Law Enforcement Activity and Enforcement Proceedings at the Middle Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

Ekaterina A. Koval – PhD in Philosophy, Associate Professor in the Department of Law Enforcement Activity and Enforcement Proceedings at the Middle Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

This article argues for importance of the principle of equity for the criminal process in Russia. In this regard, the main issue of the article is the question: what is truth? Despite the simplicity of the question, finding an answer to it is a very complicated problem. To solve it, it is necessary to address the matter of how the truth was and is perceived in various periods of history, according to the various concepts. Only such way of investigation may allow finding an answer that is acceptable for the criminal process in Russia. At the same time, attention is drawn to correlation of this understanding of equity with principles of criminal proceedings. The content of the principle of equity in the criminal process is under consideration.

Keywords: equity; principle; criminal process; sentence; court.

CRIMINAL EXECUTIVE LAW. PENITENTIARY

● **Legal framework of public control over activities performed by staff of penitentiary institutions and authorities.**

Anastasia Ye. Bobrova – Inspector of the Department for reception of citizens and documentation maintenance at Main Investigation Department of the Investigative Committee of the Russian Federation for Moscow region.

The article deals with legal matters of arranging public control over activities performed by staff of penitentiary institutions and authorities, which acquire particular importance and relevance in connection with the reform of the criminal and penal system. Public control over activities of the criminal and penal system is exercised through representative institutions such as the Public Chamber of the Russian Federation, public monitoring boards, public councils on operation of the criminal and penal system at the Federal Penitentiary Service, and public associations. Main trends, forms and methods of improvement and development of the criminal and penal system and its interaction with the government and civil society are provided for by the Conception of development of the criminal and penitentiary system of the Russian Federation until 2020 approved by Order No.1772-r issued by the Federal Government on 14.10.2010. The article describes the legal regulation of public control in the criminal and penal sphere.

Keywords: public control; criminal and penal system; Federal Penitentiary Service; Public Chamber; public councils; monitoring boards.

• **General characteristics of convicted men serving their sentences in correctional colonies of Russia.**

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

The article presents the criminological characteristics of convicted men serving their sentences in the form of imprisonment in correctional colonies of Russia that have been obtained in the analysis of statistical data provided by FSIN (Federal Service for Execution of Punishment) of Russia, as well as in summarising the results of a study conducted in 2014. The article sets out a generalised portrait of the convicted men and a forecast for its change by 2017.

Keywords: criminology; criminal and penal law; criminal punishment; the convicted person; correction of convicts; institutions of confinement.

CRIMINOLOGY

• **Specific features of arrangement for protection of vehicles against car theft and theft by forces of non-departmental security service within authorities of internal affairs.**

Anna P. Alekseyeva – PhD in Law, Associate Professor in the Department of Criminal Law at the Educational and Scientific Complex on preliminary investigation in law-enforcement bodies at Volgograd academy of the Ministry of Internal Affairs of the Russian Federation, Secretary of the Volgograd office of the Russian criminological association.

The State Duma of the Federal Assembly of the Russian Federation discusses a bill to ban the use of motor alarm systems, which trigger audio alarms. Terms of its development and introduction have coincided with the timing of implementing a new initiative by the Ministry of Internal Affairs of the Russian Federation. Since June 2013, the authorities of internal affairs have expanded the range of services provided by the non-departmental security service on a contractual basis. And now they are ready to enter into agreements for control over individual vehicles and responding to «alarms» by non-departmental security divisions. Particular concern is associated with the legislator's desire to entrust policemen with the duty of issuing orders to dismantle or remove burglar alarms installed in vehicles, which fact may trigger the growth of corruption offenses and crimes.

Keywords: burglar alarms; acoustic feedback; non-departmental security service; contractual services.

• **Socio-criminological characteristics of multiple offenses.**

Glera S. Dosayeva – PhD in Law, Associate Professor, Head of the Department of Criminal Law at Rostov department of Russian Academy of Justice, Federal judge of the Voroshilov District Court (Rostov-on-Don).

This article analyses statistical, socio-criminological and other features of the real state, development trends and structure of multiple criminal activities. It proves that changes indicative of «facilitating the crime» are caused, mainly, by change in legislative assessments of social danger of a significant part of crimes and fail to reflect the real state of affairs. The article evidences that the law provides only for an abstract artificial reflection of the social danger of criminal activity conducted by previously convicted individuals and that of the cumulative crime. The author insists that the law needs improvement in accordance with the actual features of the multiple criminal activities.

Keywords: multiple offences; backslide; perpetrator's identity; forensic statistics.

• **Author's approach to the definition of «extremism».**

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 analyses various approaches of researchers to the definition of «extremism», including those of a legislative nature. The author expresses his point of view on the definition of “extremism” and justifies its social danger.

Keywords: extremism; public-private partnership; extremist materials; extremist crimes; bodies of internal affairs.

• **On the problem of socio-psychological testing of students in order to combat drug trafficking.**

Yaroslava O. Kuchina – PhD in Law, Associate Professor in the Department of Criminal Law and Criminology at the Far Eastern Federal University Law School.

Ministry of Education and Science of the Russian Federation introduced a draft Order providing for the use of socio-psychological testing (Cattell Questionnaire) as a method of detecting early use of narcotic drugs and psychotropic substances by students at all levels of educational institutions. This article discusses ineffectiveness of the proposed method and the testing procedure in terms of testing technique, criminology, and propensity for corruption of such act.

Keywords: drug testing; testing technique; drug trafficking; addiction of minors; anti-corruption expertise; criminology; human rights.

● **«Domestic fraud» in the east-siberian region: concept, types, and methods of committing.**

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

The article analyses the main methods of committing thefts of other people's property by fraud or breach of trust in the Irkutsk Region and the Republic of Buryatia. It discloses features and types of «domestic fraud» on the basis of a detailed case study of committing fraud in the said territory, and it indicates specific features of committing fraudulent abuse of the domestic type.

Keywords: fraud; deception; breach of trust; «domestic fraud».

● **Sexual abuse in childhood and its impact on achievement of personhood of a serial sexual murderer.**

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

The article focuses on the impact of sexual violence experienced in childhood and teenage years on achievement of personhood of a serial sexual murderer. The author emphasises the fact that both systematic and occasional sexual abuses cause irreversible damage to the psyche of a child or an adolescent, being, in some cases, the very same «trigger» of developing a phenomenon of personhood of a serial murderer.

Keywords: sexual violence; serial sexual murderers; childhood; serial murders of a sexual nature.

CRIMINALISTICS

● **Possibilities of using the information on human dynamic features for operational and investigative purposes.**

Vladimir G. Bulgakov – Master of Jurisprudence, PhD in Technical Science. Associate Professor in the Department of technical and criminalistics ensuring of expert researches of the educational and scientific complex of judicial examination at Moscow University of the Ministry of Internal Affairs of Russia.

The article presents the main ways of using information on human dynamic features in the course of operational and investigative activities. Peculiarities of receipt, record and use of information on human dynamic features during examination, inquiry, collection of samples for comparative studies, study of items and documents, observation and identification are considered based on the results obtained from a questionnaire survey of criminal investigation officers in relation to forensic situations developing in the course of case investigation.

Keywords: human dynamic features; operational and investigative activities; identification.

● **Importance of forensic characteristic for setting out leads in investigation of violent sexual crimes committed by minors.**

Dmitry G. Gaykov – PhD Student in the Department of Criminalistics and Forensic Examinations at Baikal State University of Economics and Law.

Svetlana V. Kornakova – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at the Baikal State University of Economics and Law.

The article discusses the role of forensic characteristics of crimes for setting out leads and planning the initial investigation phase of criminal cases by the example of investigation of violent sexual crimes committed by minors. It analyses the logical structure of crime investigation and also factual and theoretical grounds for setting out forensic theories. The article focuses on the fact that it is a forensic characteristic of the crime that allows proper identification of investigating situations arising at the initial investigation stage of violent sexual crimes committed by minors.

Keywords: forensic characteristics of crimes; forensic theories; planning and investigation of violent sexual crimes committed by minors.

● **Specific features of classification of investigative actions according to method of displaying the factual data.**

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

The article substantiates classification of investigative actions according to the method of displaying the factual data, determines the need for its implementation, distinguishes respective groups of investigative actions, identifies specific features inherent in each of the distinguished groups, finalises findings on the issue discussed.

Keywords: investigative actions; classification; method; financial information; verbal information; features of investigative actions.

● **Study of psychological personality traits for solving diagnostic problems in the forensic science.**

Anastasia V. Matyushkina – PhD in Law, Associate Professor in the Department of Law Enforcement Activity and Enforcement Proceedings at the Middle Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation. The article substantiates the necessity of applying the method of forensic psychological analysis in matters of forensic diagnostics in organising and planning both individual investigative actions and the preliminary investigation as a whole.

Keywords: forensic diagnostics; forensic psychological analysis; method of observation; psychological portrait of the accused; investigator.

• **Unity and differentiation of tactical techniques in investigative activities.**

Nadezhda G. Muratova – Doctor of Laws, Professor in the Department of Criminal Procedure and Criminalistics at Kazan (Volga Region) Federal University, Honorary Lawyer of the Republic of Tatarstan.

Ramil R. Rakhmatullin – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Kazan (Volga Region) Federal University.

The article substantiates the concept of a «contentious tactical decision in the criminal process», whose application has allowed the authors to develop criteria for differentiation and unity of tactical techniques in the course of investigative activities. The authors demonstrate that the traditional tactical techniques may fail to bring the expected result, for example, a) if a party to a process is silent in accordance with his/her constitutional law, b) if counsel at law takes part in the course of an investigative action, c) if a party to a process refuses to give samples for comparative study, biological material. All this allows researchers to develop a completely different «scale» of tactical techniques, to prepare a list of contentious tactical decisions to ensure establishment of the objective truth in the case.

Keywords: tactics; counteraction; victim; witness; methods of impact; contentiousness; investigative actions; tactical decisions.

• **Organisational and technical support of activities performed by employees of authorities of internal affairs for record of mass riots.**

Alfia R. Sysenko – PhD in Law, Associate Professor in the Department of Criminalistics at Omsk Academy of the MIA of Russia.

The article describes the current practice of recording forensically important information of illegal actions and situations when holding activities for protection of public order. Attention is paid to the system and prospects for improving the methods of photographing, video recording with account of the use of various modern means and methods relevant for information assessment from the perspective of requirements contained in the criminal procedural legislation for its admissibility and reliability.

Keywords: mass riots; forensic techniques; recording; photographing; video recording; organisational and technical support.

• **Essence of forensic methods.**

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 analyses specific features of methodological support to organisation of the process of investigating criminal activities from the perspective of principles of scientific and technical work.

Keywords: theory of the forensic science; regulatory cognition means in the forensic science; methods of investigating criminal activities.

• **Alternative trends in detection of falsehood or how to avoid the polygraph monopoly?**

Artur G. Kholevchuk – PhD in Law, Senior Lecturer in the Department of Civil and International Law at the State Marine University named after F.F. Ushakov.

This article discusses some of the problematic issues associated with use of the polygraph. It substantiates the importance of finding new ways of detecting falsehood related to the study of nonverbal behavior.

Keywords: falsehood; nonverbal communication; detection of deceit; study of behavioral patterns; polygraph.

FORENSIC EXAMINATIONS

• **Legislative basis for forensic medical expert examination and possible application of radiological methods of computed tomography (ct) in post-mortem examination.**

Vladimir K. Dadabayev – PhD in Medical Science, Associate Professor in the Department of Forensic Medicine with the course of jurisprudence at Tver State Medical Academy.

Andrei A. Strelkov – Deputy Head of the Investigation Department of the Investigative Committee of the Russian Federation in Tver region, Honorary Worker of the Investigative Committee of the Russian Federation.

Use of modern radiological research methods – helical computed tomography (HCT) – in forensic medical expert examinations provides experts with a possibility to answer, in an objective and scientifically proven manner, questions posed by investigation and trial authorities. Application of these research methods in expert and investigative practice will allow, at an early stage, diagnosing injuries, establishing the cause of death and may be very useful in establishment of mortality causes and prevention of expert errors.

Keywords: innovative technologies; forensic medicine; forensic expert examination; helical computed tomography; legal aspects of the evidential basis.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

• International cooperation in the field of criminal procedure – lessons of history and some reforming issues.

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.

Internationalisation and transnational nature of crime require continuous improvement of counteraction measures, advancing development of legal regulation of international aspects of criminal procedure activity. This is confirmed by the history of development of criminal law and criminal procedure regulation of crime control international aspects. Some lessons of this history are considered in the article.

Keywords: international cooperation in the field of criminal procedure; judicial reform; international treaty; criminal procedure regulation.

• Non-treaty Forms of Law Enforcement Bodies' Activity in the Territory of a Foreign State.

Pyotr A. Litvishko – Head of the Division of International Cooperation, Department of International Legal Cooperation of the Investigative Committee of the Russian Federation, Colonel of Justice.

The article analyzes the existing forms of a State's law enforcement activity beyond its frontiers carried out outside of the treaty framework: non-extradition transfer, lure, counter-terrorism measures, contacts with private persons, operational and procedural actions, transmission of summons and other procedural documents. There is made a conclusion about the necessity to regulate this type of self-activity in domestic law.

Keywords: International cooperation in criminal justice; jurisdiction; extraterritoriality; law enforcement self-activity abroad; non-extradition transfer; rendition; lure; transborder contacts; transmission of summons.

• Classification of crimes in international criminal law.

Badri D. Nakashidze – Doctor of Laws, Head of the Department of Legal Bases of Management at Lomonosov Moscow State University.

The article deals with current issues of classification of crimes in the international criminal law, it distinguishes groups of international crimes and crimes of international nature, shows interaction between the international criminal law and national laws, it attempts, for the purposes of the International Criminal Court, to define aggression and international terrorism.

Keywords: international criminal law; international crimes; conventional crimes; international tribunals and criminal courts; International Criminal Court.

COMPARATIVE LAW

• Written statements as sources of evidence in pretrial proceedings (comparative view).

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

Artem A. Popov – PhD Student at A.S. Griboedov International Law and Economy Institute.

New criminal procedural law of the so-called former Soviet Union states includes many noteworthy institutes and rules. Among them, there are rules of evidence that establish statuses of evidence, explanations and procedures for their receipt in the course of pretrial proceedings. They are interesting from the point of view of further improving the rules of domestic law; allow an unconventional look at similar judgments on the similar issues that wander from one paper to another for decades without any tangible headway. This article provides an attempted comparative analysis of whether it is possible to implement, on the regulatory level, in the Code of Criminal Procedure of the Russian Federation, a written form of evidence to be given by various categories of persons under interrogation, first of all, an autographic record of their evidence. The authors also analyse specific features of the procedural and legal nature of interrogation transcripts.

Keywords: evidence; sources of evidence; interrogation; interrogation transcript; autographic record of his/her evidence by an interrogated person.

• Responsibility for financial crimes under the law of the European union and some EU member states.

Valery F. Lapshin – PhD in Law, Associate Professor, Head of the Department of Criminal Law at Academy of the Russian Federal Penitentiary Service.

This article discusses provisions of regulations enacted in the European Union, which define the main trends in safeguarding the financial interests of its member states, as well as some specific features of their implementation in the national criminal legislations. In addition thereto, the article analyses penalties provided for in the criminal law of individual EU member states to be imposed for committing financial crimes and offenses.

Keywords: financial crimes; European Union; European criminal law; criminal responsibility; penalties; international cooperation.

• **Some problems of legal regulation of inspection and examination in the Russian Federation and the Republic of Belarus.**

Irina A. Nasonova – Doctor of Laws, Professor in the Department of Criminal Procedure at Voronezh Institute of the MIA of Russia.

This article discusses some current problems of legal regulation of inspection and examination in pretrial proceedings of both the Russian Federation and the Republic of Belarus. In the context of comparative legal research, the author reveals and analyses certain conditions of such investigative actions: a range of persons involved in inspection and examination, guarantees for observance of their rights during inspection and examination, mandatory nature of a relevant investigator's order for a person to be examined. Following the analysis of the provisions of the criminal procedural laws of the Russian Federation and the Republic of Belarus, court practice materials, the author formulates a set of proposals for improvement of the criminal procedural law in part relating to the said criminal procedural institutes.

Keywords: inspection; examination; legal regulation; lawyer; investigator; persons carrying out preliminary investigation; investigative actions; Russian Federation; Republic of Belarus.

• **Institute of extradition in the criminal procedural laws of Russia and Ukraine (comparative legal analysis).**

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Elizaveta Yu. Chetvertakova – PhD in Law, Associate Professor, Leading Researcher of International Cooperation and Comparative Jurisprudence Department of Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

The article considers, in a comparative legal aspect, regulation of the institute of extradition of persons for the purpose of criminal prosecution or execution of punishment (extradition) in the criminal procedural laws of the Russian Federation and Ukraine.

Keywords: international cooperation in criminal proceedings; extradition of a person; extradition; competent authorities.

LEGAL SCIENCE METHODOLOGY

• **Methodological approaches to analysis and studies of terrorism.**

Anatoly K. Kiselev – Doctor of Law, Associate Professor, Head of the Department of History and State Law at the North-Caucasian Social Institute.

Thirteen years after the events of September 11, 2001, study of terrorism by representatives of the academic world and analysts from law enforcement agencies has enhanced. Despite this, terrorism continues to spread in depth and width. It seems that the matter is that its study is based only on fragmentary data instead of using a comprehensive unified methodology. This article proposes to use a new holistic approach for preventing and combating terrorism based on experience of the Center for the Study of Terrorism of the Civil Guard in Spain and other police and research institutions of the European Union.

Keywords: terrorism; prevention; comprehensive approach; methodology; police; experts; criminology; comparative studies.

FROM LEGAL SCIENCE TO PRACTICE

• **Analysis of «guidelines for detection and investigation of crimes specified in article 177 of the Criminal Code of the Russian Federation (malicious evasion of repaying the accounts payable)» no. 04-12 approved by FSSP of Russia on 21.08.2013.**

Dmitry V. Alymov – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at South-West State University.

Ivan Yu. Podturkin – PhD Student in the Department of Criminal Procedure and Criminalistics at South-West State University.

The article analyses specific features of the «Guidelines for Detection and Investigation of Crimes Specified in Article 177 of the Criminal Code of the Russian Federation (malicious evasion of repaying the accounts payable)» in order to resolve an issue of their effectiveness and expediency of applying for cases of this category. It assesses the impact of the said Guidelines on the law enforcement practice, considers controversial matters of qualification and investigation of crimes of the type in question.

Keywords: detection of crime; obstruction of enforcement proceedings; concealment of property; investigative actions.

HISTORY OF LEGAL SCIENCE

• **Brief background of emergence and development of operational and investigational activity.**

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

Natalia O. Kiryushkina – PhD Candidate, Lawyer in Joint-stock company «Russian machines».

The article is devoted to the history of emergence and development of operational and investigative activity. The article formulates a finding that the operational and investigative actions originate from the inception of humankind. At the same time, technical progress and development of means of communication necessarily lead to emergence of new or improvement of existing activities.

Keywords: history; operational and investigative activity; operational and investigative activities.

PERSONALIA

- **Jubilee of S.A. Sheyfer**

- **Evidence and proof in criminal case in the light of FZ no. 23 of 04.03.2013.**

Valentina A. Lazareva – Doctor of Laws, Professor, Head of the Department of Criminal Procedure and Criminalistics at Samara State University.

Semen A. Sheyfer – Doctor of Law, Honorary Professor at Samara State University.

The article deals with topical issues of evidence that have arisen in connection with expansion of limits of the so-called pre-investigational check and institution of inquiry in a short form, as well as analyses negative aftereffects of ill-conceived reforms of pretrial proceedings.

Keywords: evidence; proof; admissibility of evidence; inquiry; institution of criminal proceedings; pre-investigational check.