

OPINION

● On whether criminology and criminological view on crime is necessary

Azaliya I. Dolgova – Doctor of Laws, Professor, President of the Russian Association for Criminology. The article discusses the attitude toward criminology in modern Russia, including the failure to take the necessary measures to intensify research and use of criminological knowledge in the fighting against crime. The characteristics are given of criminology as science and, of crime as a systemic, structural, and the most dangerous publicly and massive social phenomenon, as well as the systems of combating it.

Keywords: criminology; science; crimes; crime; criminal policy; combating crime.

DISCUSSION PLATFORM

● A brief opinion. On the legal correctness of arguments in scientific discussions of recent times

Oleg YA. Baev – Doctor of Laws, Professor, Head of the Department of Criminalistics at Voronezh State University.

In the article, the author draws attention to the inadmissibility of using, in the scientific discussions, of arguments and opinions that are contrary to the achievements of modern criminal procedural science and to the fundamental principles of the criminal justice system, which are fixed by the Constitution.

Keywords: truth in criminal proceedings; investigator; scientific discussion.

CRIMINAL LAW

● Elements of a minor act

Denis A. Garbatovich – PhD in Law, Associate Professor in the Department of Criminal Law, Criminology and Criminal Execution Law at South Ural State University.

The article proposes the concept of «elements of a minor act», discloses its structure and the content of its elements. An action (inaction), which does not represent a public danger by virtue of its insignificance but which is a criminal act, is also subject to appropriate qualification. The establishment of all elements of a minor act in an action committed means absence of elements of a crime and, the grounds for bringing the person to criminal justice. The fact that law enforcers initially qualify a committed action according to elements of a certain crime and then dismiss the case for lack of evidence by virtue of the insignificance means that an error had been made as early as in the first qualification of the criminal act.

Keywords: crime; elements of crime (corpus delicti); minor act.

● Criminal consequences of a change of the crime category by the court

Ruslan O. Dolotov – PhD in Law, Associate Professor in the Department of Criminal Law and Criminalistics at the Higher School of Economics – National Research University.

This article discusses issues associated with detailed description of the criminal consequences of a change of the category of crime gravity by the court. The author's classification of such consequences in three types is proposed: a) direct criminal consequences (those of the first level), b) criminal consequences having prejudicial significance (consequences of the second level), and c) retroactive consequences (consequences of the third level). A comprehensive list is given of the rules of the Criminal Code of the Russian Federation which can be applied, for each level, in case of downgrading of the category of graveness of the crime by the court. A conclusion is made on the necessity to delete the part 6 of the Article 15 from the Criminal Code of the Russian Federation.

Keywords: criminal law; categories of crimes; a change made to the category of the crime.

● On the criminal regulation of social relations in the area of removal of human organs or tissues

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

The article analyzes the statutory provisions of the Criminal Code of the Russian Federation which stipulate criminal responsibility for actions in the area of transplantation, as well as other legal acts

regulating this activity. The necessity of improving the statutory provisions of criminal law in this area is substantiated.

Keywords: transplantation of human organs and/or human tissues; the use of organs or tissues of the victim; forced removal of human organs or tissues for transplantation.

CRIMINAL PROCEDURE

• **The prosecutor and the head of investigatory body as subjects of complaints to action (inaction) and to decisions of the bodies of preliminary investigation and their officials**

Nelli V. Gorak – PhD Candidate in the Department of Criminal Procedure at Kuban State University.

The article is devoted to the extrajudicial procedure for consideration of complaints against action (inaction) and decisions of bodies of preliminary investigation and their officials. Comparison of the procedural powers of the prosecutor and the head of the investigative body helps the author to come to a conclusion on the effectiveness of appealing, to the prosecutor, against only the key procedural decisions pronounced by the investigator in the pre-trial procedure. It is also proposed to envisage the initial appealing against action (inaction) and against decisions of investigators to the head of the investigative body and, in case of disagreement with his/her answer, to the prosecutor as the supervising person.

Keywords: appeal; complaint; the prosecutor; the head of the investigative body; effectiveness of the appeal; procedural powers

• **Detention in the adversarial criminal proceedings**

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

The article considers the problematic issues of legal regulation of and, procedure for detention of a person on suspicion of a crime. Particular attention is paid to the issues of ensuring the rights of the individual in whose respect the decision on detention is made and enforced.

Keywords: criminal procedures; adversarial principle; detention; warrant of detention.

• **Proceedings in a criminal case in connection with tax payment evasion, which is complicated by virtue of prejudgment of the decision made by the arbitration court**

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

The article is devoted to a study of the problems of legal regulation of the proceedings in a criminal case, in a situation where a non-regulatory legal act of the tax authority on calling the taxpayer to administrative liability is disputed in the arbitration court.

Keywords: tax crimes; criminal proceedings; initiation of a criminal case; prejudgment; judicial practice.

• **Toward discussion on the principles of operative-search activity**

Sergey I. Zakhartsev – Doctor of Laws, Professor in the Department of the Organization of law enforcement activity at Pskov State University, Assistant Director General Joint-stock company «Russian machines».

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

The article examines the principles of operative-search activity. It is emphasized that the Federal Law «On operative-search activity» does not specify all the principles. This does not help the researchers and practitioners in coming to a consensus on the number of the principles of the operative-search activity. The author's vision of the number and content of the principles of the operative-search activity is proposed.

Keywords: operative-search activity; principles of the operative-search activity.

• **Identification, at the stage of initiation of a criminal case, of the character and extent of the damage caused by the crime**

Dmitry A. Ivanov – PhD in Law, Associate Professor, Deputy Head of the Department of Preliminary Investigation at Moscow University of the MIA of Russia named after V. Ya. Kikot.

The article considers the issues of identification, at the stage of initiation of a criminal case, of the character and extent of the damage caused by the crime and, the significance of such activity of the investigator (inquiry officer) for subsequent real compensation of the damage. The author identifies the specific activities that may be currently conducted by the inquiry officer, the body of inquiry, the investigator, the head of the investigative body at the stage of initiation of a criminal case, for the purpose of identifying the character and extent of the damage caused by the crime.

Keywords: damage caused by the crime; stage of initiation of a criminal case; materials of preliminary examination on the committed crime; bodies of preliminary investigation.

● **Specific features of the cognitive activities of a judge in case of criminal proceedings according to a special procedure**

Oksana V. Kachalova – PhD in Law, Associate Professor, Head of the Department of Criminal Justice at Russian State University of Justice.

The article considers specific features of the stage of appointment of litigation in case the accused presents a petition on proceedings in his/her/its case according to a special procedure stipulated by the Chapter 40 of the Criminal Procedural Code of the Russian Federation, the article determines the terms and conditions under which the judge may appoint a court hearing according to a special procedure. The conclusion is made on the specific features of cognitive activity of the judge at this stage of the proceedings.

Keywords: a special procedure for litigation; fast-track procedure; criminal procedural legislation; appointment of a court hearing, proving; epistemological activities of the judge; proof of charges; evaluation of evidence; interrogation of the defendant.

● **Testimony of the accused in criminal proceedings: the concept and the relation with explanations made by the accused**

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

The article considers the problematic issues associated with definition of the essence of the concept «testimony of the accused» and its relationship with explanations made by the accused in the criminal proceedings.

Keywords: evidence in criminal proceedings; types of evidence in criminal proceedings; testimony of the accused; explanations of the accused.

● **Testimony of minor victims and witnesses: new rules for obtaining and verifying**

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

The article considers the new rules for obtaining and verifying the testimony of minor victims and witnesses, which came into force starting 1 January 2015. The author evaluates positively the changes taken place: limitation of the duration of continuous production of evidence, provision the investigator with an opportunity to invite a psychologist, rather than a teacher, the requirement of video recording of the testimony, as well as the rule on disclosure of the previously obtained testimony of a minor without his/her preliminary interrogation in court. However, having noted the apparent inconsistency of the new rules with the other provisions of the law, the author proposes some concrete steps to further improve the institution of testimony of minors in criminal proceedings.

Keywords: testimony of a minor; the process of proving; victim; witness; expert psychologist.

● **Rehabilitation institute: imperfection of legislation as a problem of law enforcement practice**

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

The article reveals imperfection of the legislative regulation of the institute of rehabilitation stipulated by the criminal procedural legislation of the Russian Federation, its inconsistency with other branches of law. The problem is raised on the unjustified combination, within the same institution of law, of the right of an individual for compensation of damage caused to him/her as a result of his/her illegitimate and unjustified criminal prosecution and, to other persons to whom any actions of governmental authorities and their officials have caused damage. The author notes a lack of regulation in respect of determining the moral harm in the criminal procedural legislation of Russia, the complexity of the mechanism and procedures for rehabilitation in respect of those prosecuted without guilt.

Keywords: partial rehabilitation; compensation for damage; interdisciplinary institute; enforcement.

• **Mechanisms of defense against unsubstantiated seizure of assets under criminal cases of economic crime (possible ways of access of third parties to justice)**

Andrey A. Timoshenko – PhD in Law, Associate Professor, Professor at the Academy of the General Prosecutor of the Russian Federation.

The article proposes options of a special procedure for ensuring the rights of owners of assets who are not brought to criminal responsibility but whose assets are seized under a court decision within the framework of pre-trial proceedings in a criminal case. It is submitted that the court, along with law enforcement authorities, must respect the rights of the possessor of such assets until a final judgment is pronounced which allows the criminal tortuous act.

Keywords: the right for fair litigation; defense of rights of individuals; seizure; arrest of assets; third parties in criminal proceedings; sentence.

• **Parties to control over quality of pre-trial proceedings: generic characteristics and status characteristics**

Yulia A. Shemraeva – PhD Student of full-time training at Belgorod Law Institute of the MIA of Russia.

The article substantiates the quantitative structure of the parties engaged in control over the quality of pre-trial proceedings. Their descriptive characteristics are given. The study touches upon the problem of determining the legal nature of judicial control in the declared stage; also, the author's position in interpretation of such control is provided.

Keywords: party to criminal proceedings; control; pre-trial proceedings; the head of the investigating authority; the prosecutor's office; court.

PENAL ENFORCEMENT LAW. PENITENTIARY
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• **Economic situation as a factor determining the penal enforcement policy, penal enforcement law and legislation**

Fedor V. Grushin – PhD in Law, 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 considers specific features of impact of the level of development of the national economy on formation and implementation of the penal enforcement policy, the course of development of the penal enforcement law and legislation. This analysis is carried out using the example of implementation of such criminal sanctions as imprisonment, compulsory community service, arrest and correctional labor. In addition, some problems of implementation of the Concept of Development of the Penal Enforcement System of the Russian Federation till 2020 are analyzed. The following is singled out from among the key economic factors affecting the respective area: the level of the gross national product of the country, the status of the labor market, the material living standards of the population.

Keywords: penal enforcement policy; penal enforcement law and legislation; national economy; penal enforcement system; convicts.

• **Issues of rendering additional fee-based services to suspects and to the accused in custody**

Ivan V. Karavaev – PhD in Law, Senior Lecturer in the Department of Organization of a mode and supervision in UIS at the Academy of the Federal Penitentiary Service of Russia.

The article analyzes the list of and the procedure for rendering additional fee-based services to suspects and to the accused in custody in the pretrial detention centers of the penal enforcement system of Russia, according to the Article 26 of the Federal Law No. 103-FZ dated 15.07.1995, «On detention in custody of the suspects and the accused of crimes». The author comes to a conclusion that the regulation of the procedures for rendering the services which is currently in effect and which is fixed by the Appendix No. 3 to the executive order of the Justice Ministry of the Russian Federation, No. 189 dated 14 October 2005, «On approving the Internal Codes of Conduct of the pretrial detention centers of the penal enforcement system», fails to satisfy the modern realities in full scope. Studying the legal base for rendering additional fee-based services, the author determines the course of improvement of the provisions currently in effect and, suggests their more detailed regulation.

Keywords: detention in custody; place of detention in custody; pretrial detention center; the suspect; the accused; the persons taken into custody; rights; legitimate interests; additional fee-based services; international standards; internal codes of conduct.

CRIMINOLOGY

• **The «Time of Leviathan», or Why are Russia's regions facing the crime rate growth again?**

Dmitry V. Bakharev – PhD in Law, Associate Professor in the Department of Criminal Law at Ural State Law University.

Over recent years, the number of regions of the Russian Federation is increasing where the crime rate grows. Having analyzed the findings of spatial analysis of causes for criminality and using the example of regions of the Central Federal District of the Russian Federation, the author concludes the following. The principal cause for growth of criminality indicators at the current stage of activities of the Russian society is the command and administration system of management of public processes which is under gradual revival. Such system impedes natural development of regional socio-economic systems. With account taken of the current socio-political situation, the author assumes that this negative trend will be growing inevitably and, therefore, in the author's opinion, crime rate growth in Russia's regions is inevitable over the future 5 to 10 years.

Keywords: crime rate; Russia's regions; causes of criminality; spatial analysis; social institutions; corruption; public administration.

• **Certain methods for disclosure and study of latent crime associated with violations of occupational health and safety rules**

Orest M. Bodnarchuk – PhD Student at the Academy of the General Prosecutor of the Russian Federation, Senior Prosecutor of the Department of preparation of the summary state accounting of Management of legal statistics of the Prosecutor's Office of the Krasnoyarsk Region.

The article analyzes qualitative and quantitative methods for disclosure of latent crime. The fact of proportional dependence between the disclosed crime and the actual crime is demonstrated. Critical analysis is applied to methods of analogy, to structural analysis and to the modular theory of social medium, which are used in detection of latent criminality in the area of violations of occupational health and safety rules. The author notes the interrelation between defects on law enforcement activities and shortcomings of recording of the reports and messages received, on the one hand, with the rate of the registered crime in the area under consideration, on the other hand. In the course of comparative study of the number of negative materials and the criminal cases initiated, the relative frequency of registration of the acts considered which are punishable under criminal law, as well as the latency factor, are found.

Keywords: latent crime; health and safety rules; method of analogy; initiated criminal cases; negative materials; criminal statistics; public opinion polls.

• **Strategy of counteracting criminal violence in the modern society**

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

The author substantiates that counteracting criminal violence, as a systemic, multi-level- and multidirectional activity, should be carried out in terms of comprehensive perspective and practical implementation of its conceptual foundations. The author formulates the conceptual foundations for building up the strategy of counteracting criminal violence in the modern society, the essence of which foundations is the implementation of the liberal-cum-humanistic ideology into the worldview foundations of ongoing, comprehensive, institutionally substantiated and adaptive criminological practice within the framework of an integrated social policy.

Keywords: criminal violence; crime; counteracting; strategy; liberalism; humanism.

• **Characterization of assault on sexual immunity and sexual freedom of individuals by minors**

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

The article expounds on the most significant aspects of characterization of assault on sexual freedom and sexual immunity of individuals by minors. A conclusion is made that crimes of this type are mainly committed by groups and, are of latent character. For sexual criminality of minors of modern Russia,

rape and sexual battery are characteristic. Criminal sexual violence by minors has both heterosexual and homosexual aspect. By virtue of their age peculiarities, minors more frequently commit unaccountable acts of sexual aggression which are committed forcibly, with a threat of violence, as well as using a helpless state of the victim. An important sign of this crime is the ability and readiness of minors to accomplish their acts, fully implementing their criminal design and achieving the intended goal. Committal of sexual crimes is most characteristic for autonomous social communities or homogeneous reference groups of minors.

Keywords: crime, characterization of crime, juvenile crime, assaults on sexual freedom and sexual immunity of individuals, sexual criminality, sexual juvenile crime.

● **Quantitative features of juvenile delinquency in Russia for the time period from 2005 to 2014**

Dmitriy I. Tislenko – PhD in Law, Associate Professor in the Department of Criminal Law at Russian State University of Justice (Voronezh branch).

The article illustrates the dynamics in respect of various indicators of juvenile delinquency in the Russian Federation for the recent 10 years (for the time period of 2005 to 2014). The official statistical data on juvenile delinquency are compared with demographic data from Rosstat (the Federal Service of State Statistics). Crime intensity factors and factors of individual crime activity are estimated in respect of persons aged 14 to 17; dynamics of these factors over the time period under review is given.

Keywords: juvenile delinquency.

CRIMINALISTICS

● **A convict as a source of information significant from the criminalistic point of view**

Aleksandr V. Akchurin – PhD in Law, Associate Professor, Head of the Department of Criminal Procedure and Criminalistics at the Academy of the Federal Penitentiary Service of Russia.

The article raises the problem of counteracting, on the part of convicts, the disclosure and investigation of penitentiary crimes (murders, bodily injury, illegal drug trafficking, prison breaks, disorganization of activities of the institutions ensuring isolation from society, etc.). An attempt is made to comprehend the process of formation of the data in respect of the convict which data are significant from the criminalistic point of view. Traces, various changes of the situation at the scene of committal of a penitentiary crime, biological, psychological and social properties of the identity of the convicts who commit crimes in a correctional facility are analyzed. In closing, a conclusion is made that, despite the essential opportunities in professional counteracting, investigation of penitentiary crimes by convicts can be regarded as a source of criminalistic information.

Keywords: a convict; penitentiary crimes; traces; individual properties.

● **Specific features of investigation of cases of illegitimate hunting in later investigation (using the example of the Republic of Belarus)**

Marina V. Kardashevskaya – Doctor of Laws, Professor in the Department of Criminalistics at Moscow University of the MIA of Russia named after V.Ya. Kikot.

Dmitriy I. Maltsev – PhD Student in the Department of Criminalistics at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article gives analysis of the current situation in the area of counteracting illegitimate hunting in the Republic of Belarus and in the Russian Federation. A conclusion is made on necessity to study the issues of investigation of this type of crime in later investigation, which is the most extensive stage in terms of work of the investigator and the stage less studied in the criminalistic literature. On the basis of results of study of criminal cases initiated in the Republic of Belarus upon illegitimate hunting, problems are singled out, which should be solved in later investigation and, the ways of solving them are determined.

Keywords: later investigation; identity of the criminal; causes of committal of a crime; illegitimate hunting.

● **Fact and hypothesis as the systemic elements of theoretical constructs in criminal science**

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

The article justifies significance of fact and hypothesis for scientific and practical constructs of criminal science; on the basis of the data of the particular theory of criminalistic operations, content of fact and

hypothesis is disclosed for this theoretical concept and, their significance for forming the content both of theoretical and applied parts of the said theory is disclosed.

Keywords: fact and hypothesis of a theory; criminalistic theory.

• **Structure of criminalistic characterization of judicial examination**

Elena I. Komarova – PhD in Law, Associate Professor in the Department of Criminalistics at Lomonosov Moscow State University.

The article presents the author's view on the structure of judicial examination on a criminal case in terms of support of the official prosecution by the prosecutor; the key applied aspects are disclosed for proving on the basis of establishing the links between evidence procured at the preliminary investigation and evidence established in the court hearing.

Keywords: judicial examination; official prosecution; process of proving.

• **Specific features of the version stage of investigation**

Anastasia V. Matyushkina – PhD in Law, Associate Professor in the Department of Law Enforcement Activity and Executive Proceedings at the Middle Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article substantiates justifiability of application of the method of version analysis in the course of investigation of crime. Certain recommendations are given in building up versions and planning the investigation of facts of hostile takeover attempts.

Keywords: the version stage of investigation; criminal mergers; unlawful resistance to investigation; hostile takeover attempt; investigative lead.

• **Basic issues of organization of criminalistic prevention activities**

Makhtay SH. Makhtaev – Doctor of Laws, Professor in the Department of Criminalistics at Lomonosov Moscow State University.

The article is devoted to consideration of the foundations of organization of criminalistic prevention of crimes. The article gives a definition of such organization, discloses its structure and content, determines its tasks and objectives, shows the role of planning as an organizing principle (origin) of prevention of crime, proves that the prevention of crime (though, its disclosure and its investigation as well) depends on the degree of correctness of organization of interaction and coordination of activities of the investigator and the operational subdivisions, the management of results of their work, and the financial, personnel- and resource support.

Keywords: criminalistic prevention; preventive measures; planning, tasks and objectives of organization of prevention of crimes.

• **Inter-relation between the mechanism of crimes against military service and the criminalistic characterization of such crimes (using the example of Article 335 of the Criminal Code of the Russian Federation)**

Inna V. Rumyantseva – PhD in Law, Associate Professor in the Department of Criminal Procedure, Criminalistics and Legal Informatics at Immanuel Kant Baltic Federal University.

The article substantiates the necessity of a comprehensive use of the notions of mechanism of crimes and the criminalistic characterization, especially for investigation of crimes from a scarce picture of traces of crime, which crimes include crimes against military service. Using the example of investigation under Article 335 of the Criminal Code of the Russian Federation, the article shows the specific features of collection of evidentiary information and diagnostics of the mechanism of crime; demonstrates the advantages of using the knowledge of criminalistic characterization and identification of the mechanism of crime.

Keywords: mechanism of crime; criminalistic characterization of crimes against military service; investigation of crimes against military service.

• **Sources of information on a person who has committed a crime, as a ground for classification of the information component of the investigative situations**

Anna V. Sibilkova – PhD in Law, Investigator of the Main Investigatory Department of the Ministry of Internal Affairs of Republic Baschkortostan.

The article carries out analysis of the structure of investigative situations presented by the leading forensic researchers. The author suggests to classify the information component of investigative situations in

investigation of a crime committed in the conditions of non-obviousness in terms of the available traces which can become sources of information on the criminal.

Keywords: human qualifications and attributes; traces of crime; unknown criminal.

• **Usage of methods of neurolinguistic programming in criminalistic activities: a myth or reality?**

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.

The article gives analysis of a non-traditional criminalistic method: neurolinguistic programming. With account taken of Russian and foreign scientific research in the area of neurolinguistic programming, the author concludes on potential opportunities of using the said method in criminalistic activities. The focus is particularly on opportunities of neurolinguistic programming in the direction of lie detection on the basis of non-verbal behavior of the interrogatee.

Keywords: neurolinguistic programming; criminalistic activities; non-verbal behavior; lie; non-traditional criminalistic methods.

FORENSIC EXAMINATIONS

• **The modern view of objects of forensic financial and economic examination**

Elina S. Sarygina – PhD Student in the Department of Forensic Examinations at Kutafin Moscow State Law University, Expert of the Judicial Economic Examinations at Moscow Forensic Laboratory of the Ministry of Justice of the Russian Federation.

The article considers the genesis of views on the object of forensic economic examination by means of the comparative historical approach. The author makes an attempt to systematize objects of expert economic examination in the context of forensic financial and economic examination, depending on the procedural significance, as well as on functional specifics in the course of solution of the expert problem. The notion is given for the generic object of forensic financial and economic examination, by which the author means an array of material media of economically valuable information which are united into a documented system of economic indicators of financial and commercial activities (accounting documents and financial reports) which characterize the financial situation, the degree of provision of financial resources, the ability to assume the declared debts and, which are studied on the basis of special knowledge.

Keywords: forensic financial and economic examination; object of examination; genesis; comparative historical approach; systematization of objects.

• **Learning and teaching support of expert examination of hair of humans and animals**

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The article shows the necessity of raising the professional level of the expert biologist who specializes in examination of hair of humans and animals. The key aspects of the program of internship in this expert specialty, the conditions for obtaining the right of independent conduct of forensic biological expert reviews in the specialty of «examination of hair of humans and animals», and the opportunities for advanced training are considered. Problems of assessment of the level of professional training of the expert are disclosed. Measures are proposed that are aimed at improving the quality of all components of the learning and teaching support of the said area of expert examination.

Keywords: advanced training of expert biologists; training of expert biologist; morphological examination of hair of humans and animals.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

• **The 13th United Nations Congress on crime prevention and criminal justice: some results**

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The United Nations Organization is the generally recognized center for coordination of international cooperation of countries and international organizations in crime prevention. A particular role in the

coordinating activity, in formation of the international legal base of crime fighting, in development of international standards for this area is performed by the UN Congresses on crime prevention and criminal justice which develop conceptual provisions predetermining improvement of national legislation and enlargement of cooperation of law enforcement authorities of various countries in crime fighting. The 13th UN Congress on Crime Prevention and Criminal Justice conducted in Doha, Qatar, is no exception. The article is devoted to some results of the Congress.

Keywords: international cooperation in crime fighting; the UN; the 13th UN Congress on Crime Prevention and Criminal Justice; the Doha Declaration.

• **Immunities of government officials from foreign criminal jurisdiction: the concept, the types, the codification**

Alfiya R. Kayumova – PhD in Law, Associate Professor in the Department of International and European Law at Kazan (Volga region) Federal University.

The article considers the theoretical problems of the institute of immunity of government officials from foreign criminal jurisdiction – definition of the notion of immunity from foreign criminal jurisdiction, delineation of personal and functional immunity, as well as issues of codification of this topic within the framework of the International Law Commission of the UN.

Keywords: immunity; criminal jurisdiction; officials; responsibility; codification; the International Law Commission of the UN.

• **Crimes against delivery of international criminal justice: analysis of the decision in the case «The Prosecutor vs. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido»**

Ekaterina A. Kopylova – Legal Assistant, Prosecution Division, Office of the Prosecutor, International Criminal Court.

On 11 November 2014, the Pre-Trial Chamber of the 2nd International Criminal Court approved the indictment in the case: The Prosecutor vs. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido. It is the first case in the more-than-decade-long history of the Court which is initiated upon committal of crimes against delivery of international criminal justice according to the Article 70 of the 1998 Rome Statute. It is just the novelty of this criminal case that determines the academic and practical value of the judgment passed. For the first time, the judges have adjudicated concerning elements of the following crimes: false swearing (the Clause (a) of the Part 1 of the Article 70 of the Statute); provision of knowingly false or falsified evidence (the Clause (b) of the Part 1 of the Article 70 of the Statute), as well as illegitimate pressure on a witness (the Clause (c) of the Part 1 of the Article 70 of the Statute). The article analyzes in a critical manner the judgment of the Pre-Trial Chamber concerning the first two acts.

Keywords: crimes against delivery of international criminal justice; International Criminal Court; international criminal law; the Rome Statute; false swearing; falsification of evidence.

• **Violations of Articles 3 and 5 of the European convention for the protection of human rights and fundamental freedoms, found by the ECHR in the Russian cases over exilement: enduring the shortcomings of legal regulation and new challenges. Part I: extradition**

Daria V. Trenina – Lecturer in the Department of Criminal Law, Criminal Procedure and Criminalistics of the International Law Faculty at the Moscow State Institute (University) of Foreign Relations of the MFA of Russia.

This article is devoted to violations of the European Convention on Human Rights, which are the most serious violations from the viewpoint of the rights concerned and which have been identified by the European Court of Human Rights in consideration of petitions on extradition for criminal persecution, deportation and expulsion, lodged against the Russian Federation. The question is, first of all, that of all forms of exilement, to CIS countries, of the persons whom such countries prosecute criminally. Reasons are considered due to which such exilement was recognized by the Court as violating the European Convention on Human Rights. Particular attention is paid to problems of legal regulation and law enforcement practices resulting in systemic violations in this category of Russian cases. The problems are studied using the examples of certain petitions which were considered by the European Court of Human Rights and which are still under its consideration.

Keywords: the European Court of Human Rights; the European Convention on Human Rights; extradition; expulsion, deportation; Rule 39 of the Court Regulation; Article 46 of the European

Convention on Human Rights; service of rulings of the European Court of Human Rights; the right to be free from torture, inhuman or degrading treatment and punishment; the right to liberty and personal inviolability.

COMPARATIVE LAW

• Definition of crime according to Swedish criminal law

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

For the first time, the article analyzes, within the modern national criminal legal doctrine, provisions of the legislation of the Kingdom of Sweden on the definition and material elements of crime. Two groups of material elements of a criminal act are disclosed consistently: those proceeding from the legislative definition fixed by § 1:1 of the Swedish Criminal Code and, those taken from other criminal legal provisions by means of their interpretation. Where necessary, comparison with the Russian legislation currently in effect is made. On the basis of findings of the study, a general definition of crime is formulated.

Keywords: Scandinavian law; Sweden; criminal law; crime; material elements of crime.

LEGAL SCIENCE METHODOLOGY

• Methodology of legal cognition: the activity approach

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

The author focuses on the activity approach in the methodology of legal cognition, which assumes studying an individual phenomenon as an activity consisting of certain elements. The author notes that by means of the activity approach, it is practical both to study legal cognition per se and to use it as a method for studying individual phenomena of the legal environment. The author emphasizes the capabilities of the approach in respect of multilateral analysis of the static and dynamic structure of legal cognition. By virtue of the dynamic character of legal cognition, the activity approach is one of important methods of legal cognition, and application of this method in current conditions have promising prospects and could be rather effective, especially in view of development of technology of legal cognition.

Keywords: legal cognition; methodology of legal cognition; activity approach.

• Circumstances affecting the formation of theoretical foundations of investigation of internet crime (using the example of criminal law)

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From the view of methodology of cognition, the theoretical foundations of investigation of Internet crimes should be formed with account taken of comprehension of the modern status and the development trends of the environment of the problematic situation (the criminal law as a whole) and the problematic area (the criminal law concerning criminal responsibility for crimes committed by means of Internet technologies). The article describes the current state and the development trends of the said elements of the setting and resolution of the scientific problem.

Keywords: Internet crimes; investigation of crimes; criminal legislation; theoretical foundations.

FROM LEGAL SCIENCE TO PRACTICE

• Conversation as a basis for formulation and classification of interrogation techniques

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The article considers interrogation techniques based on such method of information transfer as conversation. On the basis of analysis of legislation, the author singles out the interrogation techniques which result from provisions of the Constitution of the Russian Federation and the criminal law and criminal procedural law. The second group of techniques is based on scientific statements of psychology and, first of all, of personality psychology. Techniques have been developed in the theory and practice of interrogation, which need further detailed study, description and classification. The research made is aimed at achieving the said objective.

Keywords: interrogation; interrogator; interrogatee; goal of interrogation; interrogation techniques; conversation subject; orientation of conversation.

• **Explanation as a procedural means to obtain information at the stage of initiation of a criminal case**

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The article considers the problematic issues of obtaining explanations within the framework of a preliminary check upon a report of a crime. Brief retrospective analysis is given of the Russian legislation governing the said procedural action. Also, the key requirements are given for the protocol of explanation for attaching evidential significance under a criminal case to it.

Keywords: explanation; initiation of a criminal case; procedural means for obtaining information; parties to judicial proceedings.

• **Towards judicial interrogation of an expert in criminal cases**

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The article suggests a number of criminalistic recommendations in respect of the tactics of training and participation of experts in a judicial interrogation in criminal cases.

Keywords: criminalistic recommendations; judicial interrogation; an expert.

• **On initial skills of planning in a criminal case**

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Planning in a criminal case is the guiding and organizing origin of investigation. The planning means timely identification of goals of the investigation, buildup of versions, development of ways and means of checking them, availability of the widest possible use of scientific and technical means and the most advisable tactical techniques. Planning of investigation determines the particular investigatory actions which are necessary for testing the versions set out and, the sequence in which the actions should be taken. The particular tactical specifics which are necessary to be taken into account in conducting the designed investigatory actions, in order to ensure the disclosure and objective investigation of the criminal case.

Keywords: criminal case; planning; identification of goals of investigation; buildup of versions; investigatory actions; plan of investigation; plan of conducting investigatory actions.

HISTORY OF LEGAL SCIENCE

• **Yakov Barshev on proving in criminal cases**

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Alexey YU. Afanasyev – PhD Student in the Department of Criminalistics at Nizhny Novgorod Academy of the MIA of Russia.

The focal point of the article is the institute of the criminal procedural proving according to «Foundations of Criminal Proceedings, with Application to Russian Criminal Proceedings», the main treatise by Yakov Barshev (Yakov Ivanovich Barshev). The authors disclose the key provisions of the process of proving in

criminal cases from the treatise, in the context of the current state of the criminal procedural proving. The article substantiates that the main ideas proposed by Ya. I. Barshev as long ago as in 1841 are highly sought even now and, have been translated into the current criminal procedural legislation which governs the proving.

Keywords: proving in criminal cases; criminal proceedings; criminal prosecution; purpose of criminal process.

LEGAL INFORMATION

Doha Declaration on integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation.