

OPINION

**Problems of justice and judicial authority in the domain of state and society**

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

The article considers, from a critical point of view, the current state of justice and judicial authority in the state. The author substantiates the assertion that justice is always a necessary attribute of society because of ongoing conflicts within the society and because of availability of certain evil among people. The article considers two aspects of judicial authority – the state political approach and the personal approach – because both of them have equal adverse effect on justice from the perspective of divergence between law and justice on various aspects of the uniform social-legal space. The article discusses the notion of «judicial policy» as not meeting the interests of justice.

*Keywords:* state; society; law; justice; judicial authority; judge; judicial policy.

DISCUSSION FORUM

**On the draft strategy of countermeasures against transnational criminal activities in the Russian Federation**

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

The problem of countermeasures against transnational criminal activities encounters a number of difficulties which are not only associated with complexity of this phenomenon but which are also determined by lack of legislative framework for the notion of transnational crime or the related notions in the Russian Federation, as well as lack of a national strategy for fighting transnational crime, though the conceptual and strategic documents have already become traditional political and legal acts which formulate the objectives of states in certain domains of life. The strategic documents devoted to fighting transnational crimes are adopted both at the international level and at the national level. In connection with the above-said, the article proposes a draft strategic document which can contribute to more efficient activities in the domain of countermeasures against transnational criminal activities in the Russian Federation.

*Keywords:* strategy; transnational criminal activities; transnational crime

CRIMINAL LAW

**On social predicament and on influence of certain most recent changes made to the criminal and administrative legislation on classification of malfeasance in office**

**Aleksandr Ya. Asnis** – Doctor of Laws, Director of Law Office «Asnis and partners».

The article considers issues of social predicament and disputable provisions and insufficiently substantiated provisions of the amendments made to the Criminal Code of the Russian Federation by federal laws No. 265-FZ dated 13.07.2015 and No. 324-FZ dated 3.07.2016. The author puts forward certain proposals on improvement of provisions on responsibility and classification of certain types of malfeasance in office, the responsibility for which is stipulated by the chapters 23 and 30 of the Criminal Code of the Russian Federation.

*Keywords:* criminal policy; differentiation of criminal responsibility; malfeasance in office; corruption; negligence.

### **Challenges in interpretation of provisions stipulating criminal responsibility for theft in the area of computer information by means of devices of mobile networks**

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

The article determines the relevant issues of interpretation and enforcement of Article 159.6 of the Criminal Code of the Russian Federation, which governs the ban on fraudulent acts in the area of computer information. The author analyzes critical views of researchers available in the literature, which critical views have formulation of the new law as their subject matter. The author develops an idea that when construing the new type of theft, the lawmaker has used a concept built into European rules, which has served as a new round of using an inappropriate approach for classification of acts where theft is committed by means of devices of mobile networks.

*Keywords:* computer information; theft; fraud; information object; devices of mobile networks; mobile devices; cyber crime.

### **Crime and punishment: defects of consequential interpretation**

**Tatiana V. Klenova** – Doctor of Law, Professor, Head of the Department of Criminal Law and Criminology at Samara National Research University named after academician S.P. Korolev.

The article is devoted to the interconnected problems of substantiation of criminalization and decriminalization and interpretation of notions of crime and punishment. This material is about threats in connection with diminution of significance of principles of criminal law and the growing influence of consequentialism oriented toward utilitarianism. The author substantiates the conclusion on inconsistency of extension of lawmaking discretion and discretion of judges and other law enforcers to codification objectives. The possibility of rapprochement between rational and value-oriented models of crime and punishment is assumed.

*Keywords:* crime; punishment; lawmaking discretion; judicial discretion; educational function of criminal law.

### **Patterns of the criminal law: determination, classification, relation with principles**

**Yuriy E. Pudovochkin** – Doctor of Laws, Professor, Professor in the Department of Criminal Law at the Russian State University of Justice.

**Vladimir K. Andrianov** – PhD Candidate in the Department of Criminal Law at the Russian State University of Justice.

According to the philosophical doctrine, every phenomenon has certain objective patterns as the basis of its origin, development, functioning and structural construction. Discovering the appropriate patterns is the main objective of every science, including legal science. As the content of law is manifested in the largest depth by means of its patterns, the patterns immediately express the essence of law and the intrinsic logic of the legal reality. This article is the first attempt in the national science to carry out a comprehensive and integrated study of the patterns inherent to criminal law. The article continues the cycle of publications on the problem of criminal legal patterns by consideration of issues on their determination, specific features, classification and relationships with principles of criminal law.

*Keywords:* patterns; philosophy of criminal law; essence of criminal law; inherent logic of criminal legal reality; principles of criminal law.

### **The summer theses of the state Duma of the Russian Federation or, toward the issue of quality of reforms of the Criminal Code of the Russian Federation**

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

The article considers the amendments made to the Criminal Code of the Russian Federation by the Federal Law of the Russian Federation, No. 323-FZ dated 3 July 2016, through the lens of

system analysis of criminal legal principles of justice and humanism. Primary focus is on decriminalization of beatings and malicious evasion of payment of alimony, the institute of relief from criminal responsibility with infliction of a court fine, and criminalization of fraud in the area of commercial activities.

*Keywords:* beatings; administrative prejudice; decriminalization; humanization; court fine.

## CRIMINAL PROCEDURE

### **Topical problems of application of other measures of procedural compulsion**

**Elena Yu. Alontseva** – PhD in Law, Senior Lecturer in the Department of Criminal Procedure at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article considers provisions of the criminal procedural legislation of the Russian Federation which govern application of other measures of procedural compulsion. Analysis is made of foundations of application of other measures of procedural compulsion and, the circle of persons to whom they are to be applied is determined.

*Keywords:* human and civil rights and liberties; criminal proceedings; other measures of procedural compulsion.

### **Polygraph, the current situation and forensic enquiry revisited**

**Anatoly R. Belkin** – Doctor of Laws, PhD in Physical and Mathematical Sciences, Professor in the Department of Criminal-Legal Support to National Security (KB-12) at Moscow Technological University.

Fierce debates and disputes in respect of opportunities of using polygraph in the criminal process have split the disputants into advocates of the comprehensive application of this questionable tool (they include many criminal law experts, in particular) and advocates of a more careful and balanced approach (with processualists predominating in this group). The article considers issues of application of polygraph in criminal proceedings. The purpose of our analysis is to show that the polygraphological examination per se, while possessing certain opportunities, can be recognized as neither forensic enquiry nor an investigating action, and its findings cannot be eligible as judicial evidence but, however, can serve as orienting information.

*Keywords:* criminal process; forensic enquiry; interrogation; testimony; polygraph.

### **Rules of jurisdiction not fit in Criminal Procedural Code**

**Sergey B. Rossinskiy** – Doctor of Laws, Associate Professor in the Department of Criminal Procedure at Kutafin Moscow State Law University.

The article attempts to consider the institute of jurisdiction of criminal cases from the methodological perspective, which assumes determining its purposes, objectives and procedural significance within the system of general terms and conditions of preliminary investigation. As a result of the research, the author comes to the conclusion that jurisdiction has no high legal significance which would require legislative regulation, but is necessary solely for solution of organizational issues associated with support of efficiency of preliminary investigation. In this connection, proposals are introduced to exclude the institute of jurisdiction from the Criminal Procedural Code of the Russian Federation, with transfer of its legal regulation to the substatutory level.

*Keywords:* place of preliminary investigation; jurisdiction; competence of court; preliminary investigation.

### **Application of the technology of video conference communication in court session and during investigatory action**

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

It is asserted that new laws on video conference communication in criminal proceedings and their successful approbation have formed the basis of reforms of arbitration procedure and civil procedure. On the basis of analysis of the draft Federal Law No. 764131-6 dated 8 April 2015, the author proposes to stipulate a provision in the Criminal Procedural Code of the Russian Federation which would be devoted to rules of application of video conference communication during investigatory action at the stage of preliminary investigation and in the course of court sessions. The author supports the thesis that application of video conference communication should be admissible only in interrogation, face-to-face interrogation, identification and on-the-spot check of testimony, which are united by means of the method of questioning.

*Keywords:* criminal proceedings; video conference communication; remote presence; court session; investigatory action.

### **Legal status of the prosecutor in pre-trial criminal proceedings in Russia: realities and perspectives**

**Aleksandr B. Solovyev** – Doctor of Laws, Professor.

The judicial and legal reform which has been taking place in Russia starting the nineties of the last decade, is aimed at utmost reinforcement of priority of judicial authority, including the domain of criminal proceedings. This is implemented by means of essential extension of functions and powers of court, first of all, by means of restriction of the legal status of the prosecutor at pre-trial stages. It is crucially important that in the process, the prosecutor should not lose his/her authority and administration powers and should not become an ordinary participant of the criminal procedural activities. Arguments are made in favor of retaining with the prosecutor of such scope of powers which would help him/her to carry out actual supervision over execution of laws by preliminary investigation authorities under conditions of judicial control. The author substantiates the necessity of changing the focus in activities of the prosecutor, so that he/she should be entirely focused on implementation of the supervisory responsibility until delivery of the criminal case whose procedure is completed, for taking it subsequently to the court. The author substantiates proposals on amending the wording of the parts one and two of Article 37 of the Criminal Procedural Code of the Russian Federation and, their new wording is proposed. In the opinion of the author, adoption of those proposals by the lawmaker would contribute to efficiency of the prosecutor's supervisory activities at pre-trial stages of criminal proceedings.

*Keywords:* criminal proceedings; criminal process; pre-trial- and trial stages of criminal process; criminal procedural law; court; judicial control; legal status of prosecutor; main and supplementary criminal procedural responsibilities; prosecutor's supervision; criminal prosecution.

### **Grounds for making a decision on suspicion and the suspect**

**Elena V. Sopneva** – PhD in Law, Associate Professor, Professor in the Department of Criminal Procedure at Stavropol branch of Krasnodar University of the MIA of Russia.

Analysis of theoretical existence, legislative materialization and practical implementation of statuses of suspicion and the suspect help to form the conclusion that the said legal phenomena do not have autonomous grounds for their initiation in criminal proceedings. Decision-making on their legalization in criminal proceedings is associated with resorting to other procedural actions and decisions, both in respect of grounds and in respect of the procedure. Such approach impairs the procedural significance of both notions and does not allow [them] to occupy a rightful place within the system of basic concepts of criminal proceedings. Suspicion, as a supposition of involvement of the person in the crime, may be considered as an objective ground for creation of the procedural status of the suspect. In such instance, suspicion is the primary phenomenon and the suspect is the secondary phenomenon.

*Keywords:* suspicion; the suspect; decision; grounds; evidence; proof; law, theory; practice.

### **Separation of a criminal case and severance of the criminal case file at the stage of preliminary investigation: legal nature, grounds and procedural arrangements**

**Vladimir Yu. Stelmakh** – PhD in Law, Deputy Dean of the Department of Criminal Procedure at the Ural Law Institute of the MIA of Russia.

The article considers the problematic issues associated with separation of the criminal case at the stage of preliminary investigation. The author formulates the notion of separation of the criminal case, analyzes the substantive prerequisites, grounds, terms and conditions, as well as the procedural arrangements for making such decision. Typical errors are given which are committed in the law enforcement practice. The author argues in favor of the proposal to reduce the domain of application of separation of the criminal case solely to the instances where participation of some or other in the investigation is impossible objectively.

*Keywords:* criminal proceedings; preliminary investigation; separation of the criminal case.

### **Minutes of the court session in a criminal case: on admissibility and usefulness of some analogies**

**Aleksandr A. Tarasov** – Doctor of Laws, Professor, Head of the Department of Criminal Law and Criminal Procedure of the Institute of Law at the Bashkir State University.

Problems of keeping minutes of the court session in criminal cases are considered in the historical aspect and in the comparative-law aspect. The author determines his position and argues in its favor, in what regards the possibility to extend to the modern minutes of court session some characteristic features from other branches of justice, as well as from pre-trial proceedings in criminal cases.

*Keywords:* minutes of court session; criminal procedure; civil procedure; arbitration procedure; judicial investigation; evidence.

### **International legal foundations of differentiation of the procedural form in the event of application of compulsory measures of medical nature**

**Albert A. Khaidarov** – PhD in Law, Associate Professor, Professor in the Department of prosecutorial supervision over implementation of laws in the operational-search activities and participation of the public prosecutor in criminal proceedings at Kazan Law Institution (branch) of the Academy of the General Prosecutor's Office of the Russian Federation.

The article considers topical issues of proceedings in respect of cases in application of compulsory measures of medical nature. The author substantiates the conclusion on international legal basis of differentiation of the form in cases involving application of compulsory measures of medical nature. In addition, the author pays attention to inconsistency of provisions of the Criminal Procedural Code of the Russian Federation with international legal acts and, proposes recommendations on improvement of the criminal procedural legislation in respect of improvement of the legal status of the person in whose respect the proceedings on application of compulsory measures of medical nature are under way and in respect of his/her legitimate representative.

*Keywords:* compulsory measures of medical nature; legitimate representative; non compos mentis; defense of mentally deranged persons; defense of persons suffering from mental impairment.

CRIMINAL EXECUTIVE LAW. PENITENTIARY SYSTEM
---

### **A survey of practical implementation of the right to liberty of conscience by convicts in foreign countries**

**Oksana V. Chelnokova** – Advisor in the Bureau of Property Relations and Social Programs Management Department of Federal Bailiff Service.

The article considers examples of cooperation of executive authorities of foreign countries with religious confessions on implementation of the right to liberty of conscience and of the right of confession of faith by imprisoned persons. The author pays attention to the ways and methods of implementation of the International Standards of Treatment of Offenders applicable in the practice of penitentiary systems of other countries. On the basis of analysis of foreign experience of spiritual accompaniment in correctional institutions, the author considers possible forms and methods of cooperation of traditional confessions with institutions and authorities of the criminal execution system of the Russian Federation.

*Keywords:* spiritual and moral upbringing; penitentiary system; priest; chaplain; punishment; prison.

## CRIMINOLOGY

### **Application of economic approach in criminal law and criminal science. Punishment as price of crime in the process of social exchange**

**Oleg N. Bibik** – Doctor of Laws, Associate Professor in the Department of Criminal Law and Criminology at Dostoevsky Omsk State University.

The article proves relevance of application of the economic approach and the rational choice theory to criminal law and criminal science. The said approach can be used in the most efficient way when considering behavior of a person in the conditions of rational choice in the course of social exchange of punishment for crime. As an example, the author considers the use of laws of supply and demand. A conclusion is made that the key patterns discovered by the economic science in respect of supply and demand are met in the criminal legal domain.

*Keywords:* economic analysis of criminal law; theory of rational choice; social exchange; laws of supply and demand.

### **Victimologic prevention of crime in the domain of cashless services in Russia: status and development perspectives**

**Artem S. Kamko** – Deputy Head of the Khabarovsk Department of the Ministry of Internal Affairs of the Russian Federation, Chairman of the Investigations.

The article considers the key victimologic aspects of fraud in the domain of cashless services. The author has considered the key trends in victimologic prevention of this type of crime which are characteristic for the current Russian reality.

*Keywords:* fraud; victim typology; victim portrait; practical victimology; victimologic prevention.

### **Specific features of methodology for criminological study of investigation of the person of penitentiary corrupt criminal**

**Olga K. Khotkina** – PhD in Law, Lecturer in the Department of Criminology and organization of crimes prevention at the Academy of the Federal Penitentiary Service of Russia.

The article discloses importance of selection of methods for studying the person of a penitentiary corrupt criminal for criminological study of the person as of a special type of criminal and for subsequent efficient prevention of corrupt activities in the criminal correctional system.

*Keywords:* corruption; person of penitentiary corrupt criminal; criminological characterization of the person of a criminal; methods of criminological study.

### **Latent crime as one of the negative outcomes of imperfection of criminal legislation and criminal procedural legislation of the Russian Federation**

**Ekaterina V. Shibanova** – PhD in Law, Associate Professor in the Department of Criminal Law Disciplines, Deputy Head of Pushkin Leningrad State University (Moscow branch).

The article is devoted to influence of errors in legal technicalities on the level of hidden crime. Errors in legal technicalities may not only be the cause of the latency but, in a number of instances, may be a tool for deliberate concealment of criminal activities.

*Keywords:* latent crime; errors in legal technicalities; stage of institution of a criminal case; basic elements of crime.

## CRIMINALISTICS

### **Forensic model of extremist criminal activities in the Internet and its use in struggle with extremism**

**Oleg Yu. Antonov** – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Law Disciplines at the Russian State University of Justice (Izhevsk branch).

The article studies the forensic model of criminal activities associated with posting of extremist material in the Internet information- and telecommunications network, with account taken of the phase composition at two levels of its operation. When investigating and considering criminal cases, as well as within the framework of civil and administrative proceedings in the event of failure to identify the person who has produced the material recognized an extremist material, the authors suggests to decide on separation (institution) of the criminal case for the purpose of its subsequent establishment within the framework of investigation of the new criminal case. The author substantiates the necessity to keep criminal records of extremist materials for the purpose of determining the single source of their production (origin).

*Keywords:* extremism; Internet information- and telecommunications network; criminal activities; forensic model; investigation of crimes; criminal records.

### **Forensic methodologies of investigation of corruption-related crimes: level of elaboration and prospects for improvement**

**Ekaterina A. Anufrieva** – PhD in Law, Associate Professor in the Department of Criminal Law and Procedure at Novosibirsk State Technical University.

The scale of propagation of corruption-related crimes remain at a high level, as before. At the same time, activities of law enforcement authorities in detection, exposure and investigation of such crimes do not always show satisfactory results. Of significant help to practitioners of law enforcement authorities could be and, are some specially elaborated and scientifically grounded forensic recommendations in detection and investigation of corruption-related crimes. In the presented article, its author makes analysis of the existing private forensic methodologies for investigation of corruption-related crimes and, proposes their classification. She considers the problems of development of such forensic methodologies, as well as studies the opportunities to improve the efficiency of application of newly created forensic methodologies for investigation of corruption-related crimes.

*Keywords:* corruption; corruption-related crimes; methodologies for investigation of corruption-related crimes.

### **Specific features of certain ways of theft of cash funds from the social security fund**

**Snezhana N. Vesnina** – PhD in Law, Associate Professor, Head of the Department of Criminalistics and Special Equipment at Vladivostok branch of Far Eastern Law Institute of the MIA of Russia.

**Elena V. Zhidkova** – Senior Lecturer in the Department of Criminalistics and Special Equipment at Vladivostok branch of Far Eastern Law Institute of the MIA of Russia.

The article analyzes the ways of theft of cash funds from the Social Security Fund during receipt of social payments; examples are given from the investigative practice in investigation of theft in this domain.

*Keywords:* fraud; forensic characterization; way of crime; social payments.

### **Evolution of organized crime in the digital era**

**Pyotr P. Ishchenko** – PhD in Law, Senior Lecturer in the Department of Criminal Procedure at Kutafin Moscow State Law University.

**Evgeny P. Ishchenko** – Doctor of Laws, Professor, Head of the Department of Criminalistics at Kutafin Moscow State Law University.

The digital era can be characterized by active penetration of modern information- and telecommunication technologies into all domains of our life, which technologies are increasingly used in unlawful activities, rather than in legitimate activities only. Evolution of organized crime is considered in terms of the way of communication among its immediate participants. The article singles out and briefly considers four evolutionary stages (generations) of the Russian organized crime, significance of detection and use, in the proving, of tracks of communications left in computer networks by mobile phones; gives examples of use of the most advanced online technologies with criminal purposes; underlines the necessity to adjust the investigative and operative practice and the legislation currently in effect.

*Keywords:* organized crime; information technologies; tracks of communications; billing analysis; smart phone; cyber crime.

### **Situational approach in the investigator's activities**

**Yuliya S. Komyagina** – PhD in Law, Associate Professor in the Department of Criminal, Ecological Law and Criminology at Saratov State University named after N.G. Chernyshevsky.

The article considers the essence of the situational approach in the investigator's activities, the classification of investigative situations, the principles of the situational approach in investigative actions.

*Keywords:* investigator's activities; investigative actions; investigative situations; situational approach.

### **Criminalistic model of committal of crime as a stage in behavior of the criminal**

**Sergey V. Lavrukhin** – PhD in Law, Associate Professor in the Department of Criminalistics at Saratov State Law Academy.

The article considers specific features and content of committal of crime as a stage in behavior of the criminal, as well as the mechanism of committal of deliberate crime.

*Keywords:* behavior of the criminal; way of crime; mechanism of committal of crime.

### **Criminalistic characterization of theft of cellular communication devices and private criminalistic doctrine**

**Anna B. Maksimovich** – Leading Expert in the Division of combating corruption, ensuring the work with the staff and security issues of the Department of the Federal Service of Bailiffs (Moscow).

The article provides general information on modern capabilities of cellular networks and their role in criminal activities. The article studies the content of private criminalistic characterization of theft of cellular communication devices. The author analyzes opinions of researchers on the content and specific features of its elements. The author considers the main constituents of criminalistic characterization of theft of cellular communication devices. The article provides juxtaposition of content of its elements with the criminalistic doctrine of cellular communication devices, and their direct interconnection is studied. On the basis of analysis, the author proposes a concept of the role and significance of criminalistic characterization in the criminalistic doctrine on cellular communication devices.

*Keywords:* subscriber devices; IMEI; investigation methodologies; theft; virtual tracks; SIM card; cellular equipment.

### **Criminalistic aspects of prevention of iatrogenic crime**

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

The article considers issues associated with the necessity of criminalistic support to prevention of iatrogenic crime.

*Keywords:* iatrogenic crime; criminalistic support; prevention of crime.

### **Information- and cognitive significance of certain investigative actions for identification of person of victims during investigation of aircraft accidents**

**Alena A. Mitrofanova** – PhD Student in the Department of Criminalistics, Judicial Examinations and Legal Psychology at Baikal State University.

The article considers specific features of certain investigative actions having information- and cognitive significance for identification of person of victims during investigation of aircraft accidents, in particular: examination of the accident place, submission for identification, forensic medical examination. The author notes that in order to solve the problem of identification of person of victims, it is necessary as a rule to conduct a broad range of investigating actions with ongoing active participation of forensic medical experts.

*Keywords:* identification; personal identification of victims; investigation of aircraft accidents; aircraft crash; examination of the accident place; submission for identification; forensic medical examination.

### **Comprehensive characterization of crime associated with illegitimate crossing of the state border of the Russian Federation, committed in the territory of the Republic of Crimea**

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

**Aleksey A. Kiselev** – PhD Student in the Law Institute at Immanuel Kant Baltic Federal University.

The article singles out specific features of comprehensive characterization of crime associated with illegitimate crossing of the state border of the Russian Federation, committed in the territory of the Republic of Crimea. The article considers and substantiates the elements of the comprehensive characterization, such as its operational and investigative element, criminal legal element, criminalistic element and criminological element, including their interrelations.

*Keywords:* state border of the Russian Federation; violator of the state border; territory of the Republic of Crimea; illegitimate crossing of the state border; comprehensive characterization.

### **Technology of investigative actions during investigation of crimes committed by medical workers**

**Andrey V. Shmonin** – Doctor of Laws, Professor in the Department of operation of investigation agencies at the Academy of Management of the MIA of Russia.

The article is devoted to issues of technological support of investigative actions carried out in the course of investigation of crimes committed by medical workers.

*Keywords:* investigative actions; investigation technology; crimes by medical workers.

FORENSIC EXAMINATION
----------------------

### **Prospects of use of digital photography in forensic examination on the basis of unitary international standards**

**Vyacheslav A. Gazizov** – Associate Professor in the Department of Forensic Expert Activity at Moscow University of the MIA of Russia named after V. Ya. Kikot.

The discussion on legitimacy of use of digital technologies in court proceedings is moving to a new level of development. Currently, the issue of use has already been solved in favor of application of digital technologies. Practice has felt considerable benefits and operational efficiency of digital photography. There is, however, very little agreement about what to do in order to support the untouchability of the original image obtained in the course of investigative actions and expert studies. The author proposes to unite the best departmental recommendations concerning the handling of digital images and to create a federal technical regulation on the use of digital technologies in all concerned domains of activity.

*Keywords:* forensic science; foreign examination; court proceedings; digital technologies; images; standardization.

### **Innovational approach to solution of problems of cartridges of non-factory manufacture**

**Valentin N. Kachan** – Senior Lecturer in the Department of Forensic Expert Activity at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article considers the problems of examination of cartridges of non-factory manufacture and proposes the ways to their solution by means of specially developed device for release of cartridges.

*Keywords:* cartridges of non-factory manufacture; device for release of cartridges.

### **Establishing the identification period for characteristics of footwear soles made of diverse materials**

**Evgeny V. Kitaev** – PhD in Law, Associate Professor in the Department of Trasology and Ballistics of Educational and Scientific Complex of Forensic Expert Activity at Volgograd Academy of the MIA of Russia.

**Pyotr P. Smolyakov** – PhD in Law, Associate Professor, Head of the Law Department at Volgograd State Agricultural University.

**Olga A. Kharlamova** – PhD in Law, Deputy Head of the Department of Forensic Activity of the Educational and Scientific Complex of Judicial Examination at Moscow University of the MIA of Russia named after V.Ya. Kikot.

When footwear prints are detected in the accident place, the footwear is often seized from the suspect only after a certain time period. Until the time of seizure, the footwear could be in active use, thus inevitably losing the original characteristics of its sole. The identification period for such characteristics may well end by the time of start of the expert examination. During the identification examination, the expert may well leave this circumstance unattended which would certainly result in erroneous conclusions. The study establishes the identification period of characteristics of the sole part of footwear made of diverse materials (uncompounded rubber, polyvinyl chloride, thermoplastic elastomer). The experiments made have disclosed dependence of the identification period of characteristics of footwear on the material of which the sole is made.

*Keywords:* footwear prints; trace examination; identification period.

### **Use of digital technologies in practical investigation of objects of portrait examination**

**Igor N. Podvolotskiy** – PhD in Law, Associate Professor in the Department of Forensic Expertise at Kutafin Moscow State Law University.

The system of training of experts in the domain of forensic examination has long ago ceased to be limited only to the framework of training in the methodology of their production. Use of digital tools for fixation of portrait images has made it necessary to engage additional knowledge from the domain of computer technologies for support of completeness of the study and for reliability of the results obtained.

*Keywords:* habitoscopy; portrait examination; special knowledge; competence; digital technologies; photographic image; video image.

**Unsolved problems in the domain of extradition**

**Elena V. Bykova** – PhD in Law, Leading Researcher in the Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

**Maria A. Frolova** – PhD in Law, Senior Researcher of International Cooperation and Comparative Jurisprudence Department of Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

**Vadim S. Vyskub** – Junior Researcher in the Research Institute of the Academy of the General Prosecutor's Office of the Russian Federation.

The article considers extradition of a person for a certain time and delay of extradition, as the issues insufficiently studied in juridical literature. The authors analyze international documents and the national legislation of CIS countries in this domain. Problems of legislative character are identified and ways to their solution are suggested.

*Keywords:* extradition of a person for a certain time; delay of extradition; international treaty; investigative actions; limitations period; prosecution.

**Investigative actions beyond the territory of the Russian Federation**

**Aleksey V. Ustinov** – PhD in Law, Head of the Presidential Civil Service and Personnel Directorate.

Russia's competent authorities increasingly carry out their investigative actions beyond the territory of the Russian Federation, referring in such instances to operation of the law in space, however, is it correct? The article considers provisions of the criminal procedural law of Russia and some international treaties governing the issues of criminal proceedings in the territory of foreign countries.

*Keywords:* criminal law; criminal procedural law; operation of the law in space; international treaties; international cooperation in the domain of criminal proceedings.

**Forensic expert aspects of activities of international criminal courts and tribunals**

**Shamil N. Khaziev** – PhD in Law, Associate Professor, Senior Researcher in the Sector of Criminal Law, Criminology and Justice Problems at the Institute of State and Law of the Russian Academy of Sciences.

Foreign examination has important significance during investigation and court proceedings of crimes against humanity and other serious abuses of the values defended by international law. The article considers forensic expert aspects of activity of institutions of international crime justice created since 1993: the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Criminal Court, as well as internationalized (mixed or so-called hybrid) institutions of criminal proceedings: the Special Court for Sierra Leone, the Extraordinary Chambers in courts of Cambodia and the Special Tribunal for Lebanon.

*Keywords:* international law; international criminal process; international criminal law; forensic examination; forensic expert activities; expert; genocide; investigation.

**On some aspects of scientific support of fighting against transnational organized crime**

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

The article substantiates and considers certain aspects of countermeasures against transnational organized crime, which require independent scientific support.

*Keywords:* transnational organized crime; scientific support.

#### FROM LEGAL SCIENCE TO PRACTICE

##### **Collection of evidence in criminal cases of murder committed in previous years, in a situation where the corpse of the victim has not been detected**

**Irina S. Trubchik** – Dean of the Fifth Faculty for Professional Development of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (in Khabarovsk).

**Denis V. Galkin** – PhD in Law, Acting Head in the Department Criminalistics of the Fifth Faculty for Professional Development of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (in Khabarovsk).

The article is devoted to the methodology of investigation of unobvious murders in a situation where the corpse of the murdered person has not been detected because of its concealment or complete destruction. The authors analyze the main forensic problems of conduct of preliminary investigation in such cases. The authors propose an algorithm of action for the investigator in certain investigative situations typical for such crimes. Stress is laid on the problematic issues of conduct of investigative actions and other procedural actions: appointment of situational examinations, incident site inspection, interrogation of the suspect, measures in searching of the corpse, as well as specific features of evaluation of the evidence obtained by means of the above-said.

*Keywords:* methodology of investigation of murders; crimes committed in previous years; destruction of the corpse; concealment of the corpse; murder associated with missing; memory activation; situational examination.

##### **Portrayal of a criminal in conscience of the native speaker of the Russian language**

**Olga E. Frolova** – PhD in Pedagogical Sciences, Doctor of Philology, Head of the Laboratory of Phonetics and Speech Communication of Philological Department at Lomonosov Moscow State University.

**Evgeniya V. Shchennikova** – PhD in Philology, Researcher in the Laboratory of Phonetics and Speech Communication of Philological Department at Lomonosov Moscow State University.

The article considers portrayal of a criminal, as it is seen by native speakers of the Russian language who do not possess any special legal knowledge. As a result of continuous review of the Criminal Code of the Russian Federation, the authors have obtained the list of names of crimes which are expressed by means of nouns – action names which are legal terms. Comparison with the cognate words which name criminals and which are units of the common literary language has helped the authors to make the second list, on whose basis respondents who were not lawyers were interviewed. The aim of the interviews was to receive more specific details on perception of crime and identification of the structure of the group «criminal» in conscience of native speakers of the Russian language. Results of the interviews showed that the categories «thief» and «murderer» are the basic categories.

*Keywords:* portrayal of a criminal; word of literary language; term; generic notion; negative information; defining dictionary; special dictionary; interview.

#### HISTORY OF LEGAL SCIENCE

##### **Artificial termination of pregnancy as a way of realization of the reproductive right of the woman: genesis and evolution of criminal legal defense**

**Victoria V. Burtseva** – PhD Student in the Department of Criminal Law and Criminal E-xecution Law at Saratov State Law Academy.

The article studies issues of criminal legal defense of the reproductive right of the woman from the point of view of genesis and evolution of the Russian legislation. Artificial termination of pregnancy is presented as a way of realization of this right.

*Keywords:* reproductive right of the woman; artificial termination of pregnancy; criminal legal defense; criminal responsibility; history of law.

## SCIENTIFIC LIFE

### **The 3rd International Festival «Golden Track» of forensic science films made by students: origins, results and prospects**

**Yuriy P. Garmaev** – Doctor of Laws, Professor.

**Lidiya P. Chumakova** – PhD in Law, Associate Professor, Head of the Department of Civil Law, Director of Novosibirsk Law Institute (branch) of Tomsk State University.

The article analyzes the results of three international festivals «Golden Track» of forensic science films made by students, which festivals were conducted by the Novosibirsk Law Institute (Branch) of the national research Tomsk State University. The author underlines the high professional and scientific level of the film festivals. In 2016, the film festival has obtained yet broader representation of leading universities of Russia, FSU and beyond FSU: from Egypt to Mongolia, which contributed to growth of massive participation and visual appeal of the youth event. Organizers are going to conduct this forum on an annual basis (in April), they invite to participation in it and they suggest to regard it as, among other things, an innovational tool of legal education of minors and youth, as well as of broad population.

*Keywords:* legal culture; legal education; legal upbringing; anticriminal education; forensic science; international film festival; films made by students.

## REVIEWS

### **Problems of the institute of theft in criminal law (a review of the monograph by V.V. Khilyuta «Forms of theft in the doctrine of criminal law», Moscow: Jurlitinform publishers (2014), 528 pp.)**

**Roman E. Tokarchuk** – PhD in Law, Senior Lecturer at the Krasnodar University of the MIA of Russia (Crimean branch).

The institute of theft in criminal legislation of the Russian Federation and the Republic of Belarus consists of the notion of this act and of its criminalized forms. Subdivision of theft into forms, by ways of their conduct, is blurred and archaic, does not meet the requirements of adequacy of reflection of the notion of theft per se, of conceptual unambiguousness and stylistic neutrality, and has excesses and gaps in criminal responsibility. In the monograph «Forms of theft in the doctrine of criminal law: a monograph», V.V. Khilyuta considers the most difficult issues of theft and its elements, analyzes ambiguous solutions in classification of these acts, as well as proposes the author's solution of the identified problems as a new general presentation of this institute and its subdivision into forms.

*Keywords:* theft; embezzlement; robbery, burglary; extortion; fraud; misappropriation; squandering; abuse of confidence; violence.