

CRIMINAL PROCEDURE

Criteria for differentiation of judicial decisions in criminal process

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The article explores the grounds on whose basis judicial decisions can be classified; the criteria for differentiating judicial decisions studied in the science of criminal procedural law are examined. It is concluded that it is necessary to classify judicial decisions on the basis of a set of several criteria: the relationship with the resolution of the criminal legal conflict, which is the material basis for the proceedings in this case; the degree of projection of the main issue of the criminal case in the judicial decision; the level of evidence of the actual circumstances that form the basis of the decision; as well as the degree of procedural regulation of the grounds and the procedure for taking an appropriate judicial decision. The use of the proposed classification in the improvement of legislation will help to streamline and unify the procedural order of making appropriate decisions, to specify the requirements made to judicial decisions.

Keywords: judicial decision; criminal proceedings; classification; criteria for differentiation; court; proof; decision-making procedure.

Limits of legal proceedings in improving the position of the accused: conforming to the principles of criminal proceedings

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The limits of the legal proceedings, established by the criminal procedure legislation, delineate the boundaries within which the criminal prosecution of the accused in court takes place. Along with the establishment of these limits, the criminal procedural law provides for conditions for going beyond these limits, which is connected with the possible deterioration or improvement of the situation of the accused. This article raises the problem of the inconsistency of a number of provisions of the legislation currently in effect on going beyond the legal proceedings and the principles of criminal proceedings, with account taken of the legal positions of the Supreme Court of the Russian Federation, the Constitutional Court of the Russian Federation and the European Court of Human Rights.

Keywords: limits of the legal proceedings; improvement of the situation of the accused; competitiveness of the parties; the right of the accused to be protected.

Problems of legislative regulation of ensuring security of the forensic expert

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International and national regulatory legal acts regulate to some extent the security of the subjects of the legal proceedings; it mainly concerns the criminal process. Security for the expert, as one of the subjects of legal proceedings, who provides assistance to the investigator and, therefore, to the court in the preliminary investigation and justice, is given unreasonably little attention or, in general, is forgotten to be mentioned at all. Nevertheless, security of the expert and his/her family members is essential to ensure the true independence of the expert and high quality of expert research. In order to draw attention to the problem of safety of the expert, the author analyzes international regulatory acts, regulatory legal acts of the EAEU member

countries, including Russian legislation on this issue, and also concludes on possibility or impossibility to apply certain security measures to the expert or his/her family members.

Keywords: forensic expert; security of the expert; security measures; legal proceedings; legislation of the member countries of the EAEU member countries.

Promoting the interests of the aggrieved person and the accused in the course of the presentation and change of the accusation

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The article deals with the problems of ensuring the procedural status of the aggrieved person and the accused in the presentation of the accusation and its further change. The conclusion is formulated that the participant's awareness of the rights belonging to him/her is an essential guarantee that promote interests of the participants in the process. The optimization of the provisions of the criminal procedure code is proposed.

Keywords: criminal process; the aggrieved person; the accused; accusation; rights; presentation of the accusation; change of the accusation.

Proving of moral harm caused by a criminally punishable act, in the criminal proceedings of the Russian Federation

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The author of the article discusses issues related to proving moral damage caused by a crime during the preliminary investigation in criminal cases. The list of evidence that should be collected during the pre-trial proceedings in criminal cases, in support of the stated claims of the aggrieved person for compensation of moral harm caused by the criminally punishable act, is formulated. As a separate block, the author examines the issue of the possibility of using attachment of property in order to compensate the moral damage caused by the crime. In conclusion, the author substantiates additions to the criminal procedure legislation (Article 160.1 of the Criminal Procedural Code of the Russian Federation), which will help, for the compensation of moral harm, to seize the property to ensure the enforcement of the sentence concerning civil action.

Keywords: criminally punishable act; investigator, interrogator, moral damage; proving, evidence, forensic psychological examination.

Regulation of the prosecutor's and the investigator's relations in criminal proceedings

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The article examines the issue of the correlation between powers of the officials who represent the prosecution in a criminal process. The authors find that a discrepancy between the goals and tasks assigned to the prosecutor and the investigator in practical reality leads to the emergence of conflict relations between them. The authors conclude that it is necessary to develop such performance indicators for these participants in the process that will help minimize the existing contradictions. Changes are proposed to the criminal procedural law in respect of resolution of legal disputes between the prosecutor and the investigator.

Keywords: procedural independence of the investigator; prosecutor's supervision of the investigation; procedural management of the investigation; criminal procedural relations; return of the criminal case by the prosecutor; perform indicators of criminal procedural activity.

Issues of pre-trial procedure on application of compulsory measures of medical character

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The article attempts to study the actual shortcomings of the legislation related to the use, as a compulsory measure of medical nature, of compulsory surveillance and medical treatment by a psychiatrist in an outpatient setting, that is, application of compulsory medical measures to a person who, in terms of his/her mental state, does not need to be placed in a psychiatric hospital. In addition, the issues of expediency of the order of forensic psychiatric examination before institution of criminal proceedings are considered.

Keywords: criminal process of Russia; compulsory measures of medical nature; forensic psychiatric examination; human rights; justice.

Modern tasks and importance of the stage of institution of criminal case

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Over recent years, the legal literature has been demonstrating a fierce dispute in respect of modern problems and significance of the stage of institution of a criminal case. On the basis of analysis of the current criminal procedural legislation, its practical application and opinions of various authors, a conclusion is drawn on existence of immediate tasks of the stage under consideration and on its independent significance.

Keywords: initiation of a criminal case; stage of criminal proceedings.

Dialectics of Socrates, relativism of sophists and topical problems of the criminal process

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The article discusses the ideological conflict between the views of the Sophists, proceeding from the fact that everything is relative, that no objective truth or objective dialectical regularities exist (but man is a measure to everything), who taught the rhetorical art of dispute and how to win a case (eristic), and Socrates who sharply opposed the absolute relativism of Sophists and proved the existence of objective truth. The article shows the principled position of Socrates in the Athenian court. The author notes that the relativistic views of the Sophists of ancient Greece were also reflected by the current adversarial Criminal Procedural Code of the Russian Federation, which stipulates importance of the art of speaking on the case, the ability to be stronger, more convincing than the procedural adversary. Theoretical views of the modern well-known processualist researchers – who are ideological defenders of criminal process of adversarial type – are given. The author of the article does not share the relativism of the current adversarial criminal process, which rejects objective truth.

Keywords: Socrates; Sophists; overall objective of criminal process; failure of evidence on participation of the accused in the crime; dialectics; relativism; sophistry; rhetoric; art of argument, objective truth; formal legal truth; adversarial proceedings.

Operative and search activity in respect of judges: specific features of legislative regulation and analysis of its efficiency

Natalia V. Romanenko – PhD in Law, Associate Professor in the Department of Judicial Activity at Ural State Law University.

The article analyzes the provision of the legislation currently in effect which regulate the operational-search activity in relation to persons who have the status of a judge. Particular attention is paid to such component of the official immunity of judges as a special judicial procedure for obtaining consent for operational search activities against judges. At the same time, the author draws attention to the inadequacy of legal provision that are unable to fully

guarantee the independence of judges when operational search activities are carried out against them, which activities are an additional obstacle to operational bodies when it is necessary to conduct operative-search activities in cases of crimes committed by judges.

Keywords: immunity of judge; a crime; operative and search activity; operative and search measures; qualification board.

Non-professional documentation of unlawful activities by individuals

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The article examines the problems of non-professional documentation of crimes by individuals. The author indicates a lack of detailed scientific research on this subject, or any clear regulations. The author formulates the limits of the admissibility of non-professional documentation, as well as the possibility of subsequent implementation of its findings. The article provides an analysis of judicial practice in assessing the findings of non-professional documentation.

Keywords: non-professional documentation; detective actions; operative and search activities; audio and video recording; use of other documents in the proving.

Principle of justness: scope of action in criminal proceedings

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The article is devoted to the investigation of the scope of action of the general legal principle of justness in criminal proceedings. The views of scientists on the content and nature of this principle are analyzed. Critical assessment is given to opinions of scientists who believe that the justness of criminal proceedings presupposes a just way of obtaining evidence in a criminal case and who advocate the consolidation of the principle of justness in the criminal procedural law. The argumentation is given to substantiate the thesis that there is no need to directly consolidate the principle of justness in the system of principles of the Criminal Procedural Code of the Russian Federation, as well as to limit its effect at the stages of pre-trial proceedings in a criminal case. The author substantiates the conclusion that the action of the principle of justness is limited at the pre-trial stages of the process, where the principle of legality should be the determining principle.

Keywords: principles of criminal proceedings; principle of justness; coercive measures; punishment.

Preventive role of investigator and the court in criminal proceedings

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The legal and organizational aspects of the preventive component in the work of the investigator and the court in the course of pre-investigation checks and investigation of crimes are examined. Questions of the targeted and substantive component of submissions on taking measures to eliminate the circumstances contributing to such crimes or to eliminate other violations of the law are raised; ways of solving the problems raised are suggested.

Keywords: crime prevention; causes and conditions of the crime; investigator; court; submission; effects.

On the timeframes for exercise, by the arrested, of their right to familiarization with the accusation against them in the criminal process of the Russian Federation

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The article deals with the issue of compliance of the Part 2 of the Article 100 of the Criminal Procedural Code of the Russian Federation with the separate fundamental international legal provisions establishing legal guarantees for the arrested. An attempt has been made to verify the grounds for the legislative increase in the time limits for keeping a suspect in custody, and the theoretical and practical conditions for that.

Keywords: applying a measure of restraint against the suspect; terms of detention of the suspect in custody; the right of the arrested person to be informed of the reasons for his/her arrest and the charge against him/her.

Joining a person as the suspect

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Joining a person as the suspect can be considered as an independent phenomenon or as an accompanying act. Determining the status of a suspect by means of a single act that proclaims creation of a new participant in criminal procedural relations requires to think about developing an appropriate algorithm to ensure the launch of an adequate mechanism for using his/her rights, freedoms and legitimate interests. Understanding the act of joining a person as a suspect as a collateral act, a secondary act, an act implemented in four ways (institution of criminal case in relation to a particular case, detention, application of a preventive measure, notification of suspicion) calls for the necessity to determine the correctness of such approach from the point of view of science and practice.

Keywords: suspicion; suspect; decision; grounds; law; theory; practice

Powers of the chairperson in the court of a judicial investigation in the court with the participation of jurors

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The article is devoted to the study of the powers of the chairperson in the course of the judicial investigation in the court with the participation of jurors. The author analyzes the procedural status of the chairperson in the context of emergence of formal grounds for appealing the verdict.

Keywords: court with participation of jurors; chairperson; judicial investigation; procedural violations; powers.

Problems of legislative regulation and practical support of the rights of the accused in the process of completing the preliminary investigation

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The article is devoted to the problems of legal regulation of the rights of the accused in the process of completing the preliminary investigation.

Keywords: the accused; criminal process; rights of the accused; investigator; inquirer; preliminary investigation; familiarization with the materials of the criminal case.

CRIMINALISTICS

About the role of logical consequences in verification of investigative leads

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The article deals with the concepts of the investigative lead and the logical consequences. The mechanism for checking the investigation lead and its main characteristics are analyzed. The forms of connection between the lead and the logical consequences derived from it are

considered, characteristics of the forms of results of the correlation between logical consequences and actual circumstances are given.

Keywords: investigative lead; setting out leads; checking of leads; logical consequences.

Towards current views on the subject matter and objects of russian forensic science

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The issue of the subject matter and objects of the Russian forensic science is still one of the most discussed issues. The article analyzes the points of view on this issue, which have been expressed as recently as in the 21st century. On the basis of the results of the research, the author offers his own vision of the modern definition of objects and the subject matter of modern forensic science.

Keywords: criminology; objects of forensic science; subject matter of forensic science.

Problems of the subject matter of forensic science

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The article considers problems of the subject matter of forensic science.

Keywords: forensic science; subject matter of forensic science.

Forensic features of proving of the dependent position of the suffered person on the guilty person or on criminal prosecution authorities

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The article analyzes the forensic features of proving the dependent position of the suffered person on the guilty person or on criminal prosecution authorities. In the author's opinion, the subject matter of proving in cases involving the use of the criminal legal dependence of the suffered person on the guilty person is determined by the presence of qualifying signs of a particular crime, which either increase the criminal responsibility of the accused person for the unlawful act committed, or complicate the procedure for proving them, due to the unwillingness of the suffered person to give reliable information about circumstances of its committal.

Keywords: forensic science; proving; dependent position; criminal prosecution.

Use of special knowledge in investigation of crimes in respect of minors, records by on video images

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The article deals with theoretical and practical aspects of the use of special knowledge in the investigation of crimes against sexual freedom and sexual inviolability, as well as public morality of minors, which have been recorded as video images, which aspects are necessary for the commissioning and conduct of forensic examinations. On the basis of expert- and investigative practice, the possibilities for examining video images in forensic art expert examination, forensic computer expert examination and forensic portrait expert examination are presented.

Keywords: video recording; video images; crimes against minors; forensic art expert examination; forensic computer expert examination; forensic portrait expert examination.

Human personality as an object of forensic study

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Definitions of the concept of human «personality» as an object of forensic study are considered. In the legal theory and practice, numerous concepts are used in connection with the problem of studying the personality. In forensic science, it is the semantic content of the object of study, rather than its linguistic designation, which is important. Personality and man are carriers of certain properties, characteristics which are necessary and useful for solving problems of disclosure and investigation of crimes. Establishing the list of forensically important properties and characteristics, as well as the boundaries and scope of their study is a more important task for forensic science than understanding of how to name the object of the study.

Keywords: personality; man; object of forensic study; properties and characteristics of personality.

System of principles of special forensic methodology of maintenance of public prosecution in adjudication of cases

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The article is devoted to the forensic aspects of the activity in maintaining public prosecution in criminal proceedings. Special methodological foundations of such activity are analyzed. The system of principles for designing the activity of the prosecutor in the court is considered. Practical recommendations aimed at improving the quality of public prosecution are given.

Keywords: public prosecution; criminal proceedings; technology; special forensic methodology; principles of activity.

Tactical opportunities for overcoming the counteraction to investigation into facts of domestic violence

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The article deals with a rather typical investigative situation arising at the initial stage of the investigation of grave and especially serious violent crimes committed in the family, where the offender tries to convince investigation authorities that the crime has been committed by a third, unknown person, or that an accident has occurred. Counteraction to the investigation in such case is carried out quite actively, with the involvement of other family members as witnesses, with destruction of the typical traces formed and with manipulation of falsified objects and information. Methodological recommendations are given on organization of investigation in the outlined situation at the initial stage, as well as tactical features of conduct of specific investigative actions aimed at exposing the perjurer who cover the offender and himself/herself.

Keywords: domestic violence; closed social system; consequences of violence; home tyrant; traces of biological origin; active counteraction; tactics of counteraction to investigation.

Recognition of suicide as a forensic tactical operation

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Effective recognition of the mode of death requires appropriate forensic support. On the basis of analysis of the investigative practice, the author proposes the tactical operation «Recognition of suicide», which takes into account the specific features of suicide and the study of similar cases. This tactical operation helps to identify more accurately and quickly the type of death and to determine whether death is criminal or not. The article describes the conceptual provisions of this tactical operation.

Keywords: suicide; recognition of suicide; forensic recognition; tactical operation; mode of death.

Forensic classification as a means of optimizing the investigation of crimes committed with the use of crypto-currencies

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In view of the variety of crimes that can be committed by means of crypto-currencies, it is necessary to systematize them in terms of various grounds. The article proposes the author's forensic classification of crimes committed by means of crypto-currencies. The above-said classification can be detailed and supplemented in connection with the needs of forensic theory and the practice of identifying and investigating crimes of this type. The options for classifying the type of crimes under consideration which are disclosed in this article, as well as other possible options for classifying the type of crimes under consideration, are prerequisites for the development of tasks, means and methods of crime investigation.

Keywords: crypto-currency; forensic classification of crimes; bitcoin; way of committal of a crime.

FORENSIC EXAMINATION

Towards determining the length of cartridge cases of 7.62 mm rifle cartridges

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The article is devoted to forensic ballistic aspects of studying Russia rifle cartridges of 7.62 mm caliber. The proposed material considers stages of modernization of rifle cartridges of the 7.62 mm caliber, which have led to the change in the length of the cartridge cases. The ways of solving the disagreements arising during evaluation of the length of the cartridge cases for rifle cartridges during expert studies (7.62 x 53 mm and 7.62 x 54 mm) are determined.

Keywords: rifle cartridge; cartridge case.

Methodological aspects of investigation of tumbler plate locks unlocked by means of the method of self-impression

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The article deals with topical issues of forensic investigation of tumbler plate locks unlocked by means of criminal influence. The method of self-impression has become rather widespread. At the same time, the modern forensic literature lacks any description of signs characterizing this way of unlocking. This does not allow differentiating the traces formed in the course of routine unlocking from criminal influence on the gear of the lock. For the purpose of solving the problem of information support to experts in trace evidence analysis, as well as of improving the methodological basis for study of tumbler plate locks, the authors propose description and illustrations of the signs which are displayed as a result of unlocking by means of self-

impression, which helps to formulate a conclusion about the fact of their having been unlocked by a foreign object.

Keywords: forensic investigation of tumbler plate locks; method of self-expression; unlocking by a foreign object; trace evidence analysis.

Statistical evaluation of results of the study of morphological characteristics of hair from the head of a human in forensic examination

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On the basis of results of a study of 22500 hairs from 450 persons, the authors establish the fundamental possibility of using statistical data processing during forensic examination of human hair. A mathematical model has been developed to determine the quantitative evaluation of the probability of occurrence and the identification significance of a set of coinciding characteristics of the object (a separate hair) and characteristics of hair samples of the person being checked. By means of calculation of the identification significance of the set of morphological characteristics of human hair, mathematical justification for the validity of a probable positive and categorical negative conclusion is obtained.

Keywords: morphological study of hair; statistical evaluation of research results; identification of a person; mathematical justification of a probable positive and categorical negative conclusion.

Forensic expert analysis of the sweat and grease substance of fingerprints for the purpose of establishing DNA profiles of different persons: US experience

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The article deals with the proposals of American forensic biologists in respect of optimization of the process of differentiating the DNA profiles of individuals who have touched the same object. In expert practice, difficulties arise concerning establishment of DNA profiles of several or more individuals, mostly because of the combination of the sweat and grease substance of several subjects. Attention is drawn to the importance of searching for effective methods for differentiating the DNA profiles.

Keywords: analysis; identification of a person; fingerprinting; forensic biology; DNA.

LAW ENFORCEMENT AGENCIES

Main areas for improving the legal support and organization of activities of special purpose units of the Troops of the National Guard of the Russian Federation

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The article considers the main areas of legal support and organization of activities of the special purpose units of the Federal National Guard Troops Service in the transitional period of formation of these units. The main principles, rules and procedures are presented for the development of legal acts that govern activities of law enforcement authorities in order to ensure the

rights of citizens during special operations (activities) of special purpose units in the Federal National Guard Troops Service.

Keywords: law enforcement authorities; Federal National Guard Troops Service; ensuring public safety; protection of public order; Russian legislation; law enforcement.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

Concept of subsidiarity and the issue of the relation between the international and national criminal jurisdiction

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In the international legal doctrine, the terms «international jurisdiction» and «universal jurisdiction» are considered as synonyms lately. In the article, the author considers the reasons for this approach to the content of two types of criminal jurisdiction, identifies their similar elements and their distinctive features, as well as considers the concept of subsidiarity used in the context of horizontal and vertical models of the correlation between national and international jurisdiction.

Keywords: universal jurisdiction; international jurisdiction; International Criminal Court; subsidiarity; principle of complementarity.

In-absentia joining of the persons who hide abroad as the accused: the current situation and the prospects of development

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Aleksandr M. Novikov – Head of the Department of Criminal Procedure at Moscow Academy of the Investigative Committee of the Russian Federation.

On the basis of a generalization of law enforcement practice, the article raises topical problems that arise when charges are brought against persons who are outside the territory of the Russian Federation. With account taken of comparative analysis of the national legislation of foreign countries, issues of the use of the procedure of charging in absentia in investigative activities are considered. According to the results of the theoretical study, the authors propose an algorithm of actions that should be followed in the course of bringing charges against persons hiding abroad, and also formulate conclusions and proposals for improving national legislation in this area.

Keywords: in-absentia joining as the accused; bringing charges in absentia; interrogation of the accused; in-absentia criminal prosecution; legal assistance in criminal matters.

On the legal nature of the return of criminal assets in the interpretation of the UN Convention against Corruption

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The article is devoted to analysis of provisions of the UN Convention against Corruption concerning the return of stolen assets in historical development, consideration of these issues, beginning from reasons of the appearance of the relevant international legal norms, ending to the problematic aspects of their practical application. The author, examining the meaning of the terminology used in the international treaty, as well as the content of the legal provisions of the convention, reveals the essence of the legal nature of asset recovery as an interdisciplinary legal institution.

Keywords: financial control; combat of corruption; proceeds of crimes; arrest and confiscation of property; criminal process; asset recovery.

INTERDISCIPLINARY RESEARCH

Judicial practice in respect of crimes committed by criminal communities (criminal organizations) in the area of illegal trafficking of drugs by means of the internet information and telecommunication network and crypto currencies

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Over recent years, the arsenal of criminals has added a new tool, which has, on the one hand, helped to significantly increase the anonymity and safety of the organizers of the crimes, and which, on the other, complicates the law enforcement activities aimed at their detection, disclosure and investigation. The question is that of the use of crypto currencies, in particular, Bitcoin, the most famous of them. The article opens a series of materials on the results of a study conducted by the authors on judicial practice in cases of crimes committed by organizers and participants of criminal communities (criminal organizations) in the area of illegal drug trafficking by means of the Internet information and telecommunication network and crypto currencies.

Keywords: crypto currency; Bitcoin; criminal community (criminal organization); illegal drug trafficking; drug crimes; information and telecommunication networks; Internet; judicial practice; classification of crimes.

COMPARATIVE LAW

The foundations of the Juvenal Law of Switzerland. Part I.

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In this article, the author reviews the history of juvenile criminal proceedings in Switzerland and, its current state. The author examines the system of sources of the juvenile criminal process, including the Juvenile Criminal Procedural Code of 2007, its main principles, the system of participants in the juvenile criminal process, as well as the procedural coercion measures applied in it.

Keywords: juvenile criminal process; Juvenile Criminal Procedural Code; juvenile justice; minors.

FROM LEGAL SCIENCE TO PRACTICE

Signs and properties of involving minors in the sphere of illicit trafficking of narcotic drugs and psychotropic substances (by the example of the Kyrgyz Republic)

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In the article, the author considers the signs and properties of persons who involve minors into illegal drug trafficking, elements of their criminal activities in the sphere of illegal drug trafficking. Significance is that the tactical methods of the investigator – the bodies of internal affairs of the Kyrgyz Republic in the field of the detection of drug crimes – are cited. In addition, the author skillfully gives the subjects who assist the militia in identifying participants in the criminal case. Therefore, the article will be in demand from various readers.

Keywords: educator; personality; mosque; muftiate; criminal; minor; convicts; the suspect (the accused); parents.

The main problems in conducting checks on reports of crimes envisaged by Article 145.1 of the Criminal Code of the Russian Federation

Viktor A. Perederiy – Leading Researcher in the Department of the Technical and Criminalistics Support of Crimes Investigation of the Institute of Forensic Science at Moscow Academy of the Investigative Committee of the Russian Federation.

The article considers the problematic issues faced by the investigation in the course of inspecting reports of crimes on the facts of nonpayment of wages and other payments established by law, and an attempt is made to identify the most correct ways to solve them, which will contribute to protection of the constitutional right of individuals to remuneration for work.

Keywords: non-payment of wages; a check on the crime report; employee; chief manager of the organization; criminal case.

The usage of new technologies in the disclosure of crimes of past years.

Irina S. Trubchik – Dean of the Fifth faculty for Professional Development of the Institute for Professional Development of the Moscow Academy of the Investigative Committee of the Russian Federation (Khabarovsk branch).

The article considers the work of analytical groups on the disclosure of crimes of the past years by means of forensic equipment.

Keywords: crimes of past years; testimony of witnesses; inspection of the scene of crime; withdrawal of tracks.

Content of the petitions on adoption of measures to remove the circumstances contributing to crimes and other violations of the law.

Aleksandr V. Ugolnikov – Senior Lecturer in the Department of Organization activities of the internal affairs bodies of the Center for Command and Staff Training at the Academy of Management of the MIA of Russia.

The article considers issues that relate to the main activities of the investigator in elimination of the circumstances that contribute to committal of crimes and other violations of the law. The author considers the content of petitions on adoption of measures to eliminate circumstances that contribute to committal of crimes and other violations of the law, focusing on the instructions given to officials who are obliged to take measures to eliminate the above-mentioned circumstances. In conclusion, the author substantiates a conclusion that petitions which are appropriately prepared and which have specific recommendations on the elimination of circumstances that contribute to committal of crimes and other violations of the law, as well as prompt monitoring of their implementation, help to effectively prevent and avert committal of crimes.

Keywords: criminal case; petition on taking measures to eliminate the circumstances that contribute to committal of crimes and other violations of the law.

Detection, fixation and delivery of biological traces in the inspection of the scene of action.

Aleksey V. Ulanovskiy – PhD Student in the Faculty of Law Enforcement Activity at Moscow Regional Branch of Moscow University of the MIA of Russia named after V.Ya. Kikot.

Olga N. Lazarenko – PhD in Law, Deputy Head of the Department of Criminalistics at Moscow Regional Branch of Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article provides practical recommendations for individuals involved in collecting physical evidence in the form of biological traces. The success of the disclosure of many crimes largely depends on the correct handling of biological traces left on the crime scene, which predetermines the high practical importance of the recommendations proposed by the authors.

Keywords: biological traces; macromolecule of DNA; genetic finger printing expert review.

Responsibility of beneficiaries and chief managers of banks for illegal asset stripping: some practical aspects of the problem

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Aleksandr G. Volevodz – Doctor of Laws, Head of the Department of Criminal Law, Criminal Procedure and Criminalistics, Deputy Dean for Science of the International Law Faculty at Moscow State Institute of International Relations (University) of the MFA of Russia.

The article considers some results of the study of the practice of bringing to responsibility the beneficiaries and the chief managers of banks for the illegal stripping of assets, which has led to bankruptcy of commercial banks. The detected schemes of such activities are described. Some recommendations are given on the classification of such actions, which predetermines the specific features of their investigation.

Keywords: schemes of criminal stripping of bank assets; judicial practice.

Violation of timeframes for a check of a crime report to pre-investigation authorities of the Department of Internal Affairs: causes and ways to solve the problem.

Ramil R. Khasanov – Deputy Head of Division of the MIA of Russia – Head of the Investigative Group (Atninsky District, Tatarstan).

The article considers the problem of violation of the timeframes for checking the crime report in the preliminary investigation bodies of the Department of Internal Affairs and what methods are used by investigators (inquirers) of the Department of Internal Affairs to illegally extend these timeframes. The author proposes to solve the problem by increasing the timeframes of the pre-investigation check in case of necessity for forensic expert review (inspection, documentary verification). The author proposes to amend the Criminal Procedural Code in order to allow, in exceptional cases, to make a new calculation of the timeframes for verifying reports of crimes in case of transfer of the material according to territoriality, in case the material is transferred to another locality of the same constituent entity of the Russian Federation or of another constituent entity of the Russian Federation.

Keywords: investigation; verification of crime report; timeframes of pre-investigation verification; prosecutor's supervision; departmental control.

On some issues of application of measures of procedural compulsion by courts in consideration of administrative business in modern conditions

Victor A. Shestak – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute (University) of International Relations of the MFA of Russia.

The article discusses the grounds and procedures for application, in consideration of administrative cases by the court, of the measures of procedural compulsion which are the most common in the current conditions: obligation of appearance, attachment, restriction of speech, deprivation of speech, removal from the court room, imposition of judicial penalty.

Keywords: public legal relations; measures of procedural compulsion; administrative legal proceedings; obligation of appearance; attachment; restriction of speech; deprivation of speech; removal from the court room; imposition of judicial penalty.

SCIENTIFIC LIFE

Practice of using polygraph in criminal procedure of Russia

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The history of forensic psychophysiological examinations using polygraph in Russia is briefly described. The concept of polygraphology as an interdisciplinary field of knowledge is given. The tasks are formulated to be solved by the polygraph examiner in case of his/her participation in criminal proceedings as an expert. An algorithm for forming the conclusions of an expert polygraph examiner is described. Some logical errors committed by polygraph examiners in formulating conclusions on the basis of results of the study are specified. The terms of «reliability» and «veracity» are differentiated with regard to forensic examinations by means of polygraph in criminal cases.

Keywords: polygraph study; polygraphology; criminal proceedings; expert polygraph examiner; expert's version; reliability of the expert's conclusions.

REVIEWS

Towards inhomogeneity of the proving process. A review of the monograph of Anatoly Sergeyevich Barabash, Doctor of Legal Sciences, Professor, «Basic, additional and auxiliary processes of proving at the stages of preliminary investigation and judicial investigation». Moscow: Jurlitinform Publishing House, 2017. 272 pp.

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