**Bagmet Anatoly Mikhailovich**

**ACADEMY OF THE INVESTIGATION COMMITTEE OF THE RUSSIAN FEDERATION**

**No. 4, 2016**

The article reveals the goals, objectives, functions of the Academy of the Investigative Committee of the Russian Federation, including its St. Petersburg branch and faculties of advanced training.

Initially, in 2010, the Institute for Advanced Studies of the Investigative Committee of the Russian Federation was created, which in November 2010 carried out the first enrollment of students. During the five years of the Institute's functioning, the qualifications of more than 10 thousand employees of the Investigative Committee have been improved.

In January 2014, the Academy of the Investigative Committee was formed on the basis of the Institute. In February 2014, the Federal Service for Supervision in Education and Science of the Academy issued a license to carry out educational activities for the following educational programs of higher and additional professional education. In April 2014, the Academy was issued a license for the right to conduct educational activities under higher education programs in the areas of training a specialist - "Legal support of national security" and a magistracy - "Jurisprudence".

The main task of the Academy is to train lawyers (investigators) in the system of the Investigative Committee, to increase the level of professionalism of investigators. In September 2014, the Academy completed its first enrollment of students. A distinctive feature of legal education at the Academy is the need for future investigators to master both theoretical (basic) disciplines studied by lawyers, and to acquire practical skills in crime investigation. Currently, the structure of the Academy is represented by two educational institutions: the Law Institute and the Institute for Advanced Studies. The Institute of Law implements higher education programs in the following areas of training: specialty - "Legal

support of national security" and magistracy - under the master's program "Investigative activity".

The structure of the Academy has a branch in the city of St. Petersburg, which implements higher education programs, and six faculties - in the cities: St. Petersburg, Rostov-on-Don, Nizhny Novgorod, Yekaterinburg, Novosibirsk, Khabarovsk, where programs of additional professional education are implemented ...

The Academy has the capacity and resources to educate and train investigators to work in the Investigative Committee system.

**Karagodin Valery Nikolaevich**

**SCIENTIFIC CHARACTER AND PRACTICAL IMPLEMENTATION OF RECOMMENDATIONS FOR COMBATING CRIME**

**No. 4, 2016**

Consideration of the issues of the stated problems begins with an analysis of the concept of a recommendation in the broad sense of the word.

Then a brief historical analysis of the transformation of ideas about the scientific nature of knowledge at various stages of the development of science is given.

For a more thorough study of the criteria of a scientific nature, the author's and developed by other scientists classifications of recommendations for combating crime are proposed.

Depending on the research in which branches of science the recommendations were developed, they are differentiated into criminological, legal, forensic and organizational and managerial, as well as general, special and individual, complex and non-systemic.

The article describes an algorithm for developing general recommendations for combating crime in general. It provides for a representative and objective

scientific study of the crime situation in the country, the impact on it of the activities of the authorized bodies. The author emphasizes that in the course of the study, one should identify not just negative phenomena, but the patterns of their recurrence. On the basis of the research carried out, a theoretical model of the criminogenic situation is being built, combining the parameters of certain types of crime and the factors that determine them.

Taking this into account, the means and methods of combating crime are selected, and appropriate recommendations for their application are developed.

This activity must be consistent with the criminal law policy, which is part of the general legal and national policy.

Therefore, in the formation of criminal law policy, the conditions of the socio-economic situation in the country are taken into account, which requires the creation of conditions favorable for its economic development. In this regard, proposals are made to improve criminal law measures to ensure the security of business in our country, to protect the rights of others.

The article also examines some of the problems of criminal procedural and organizational and administrative activities, makes judgments about the directions of their improvement.

As a means of practical implementation of criminal law policy, it is proposed to develop comprehensive perspective, intermediate and current programs to combat crime.

When analyzing special recommendations for combating crime, disunity, insufficient substantiation and concreteness of some of them are noted.

The article also examines the problems of practical implementation of the recommendations developed in theory, outlines the corresponding proposals for their implementation in practice.

Criticizing the initiators of the creation of laws on the introduction of scientific recommendations into law enforcement practice, the author proposes to form electronic banks to store such products of scientific activity.

**Ilyuk Elena Vadimovna**

# PSYCHOPATOLOGICAL MECHANISM OF PUBLIC DANGEROUS ACTIONS OF PERSONS WITH MENTAL DISORDERS AS A BASIS FOR A PSYCHOLOGICAL PORTRAIT OF A SERIAL CRIMINAL

**No. 4, 2016**

The article discusses a psychiatric approach to the compilation of a psychological profile of a serial sex offender. The examples of well-known "series" show how the peculiar sexual fantasies of a criminal, which are symptoms of a mental disorder, are realized in the " modus operandi ". The results of studies of famous psychiatrists, as well as the founder of sexopathology, Richard Kraft-Ebing, were used . Using an example from forensic practice, it is shown how a mental disorder determines criminal actions, is revealed in the course of a psychiatric examination, but remains "outside the sentence", since the accused is sane. At the same time, the real circumstances that contributed to the commission of the crime (and this is a mental disorder manifested in the commission of the crime) do not receive a proper legal assessment, and the disease is not treated. The article shows how the symptoms of a certain type of mental disorder (paraphilia) are manifested in the “ modus operandi ”. The author shows what the stereotypes, ritualization, cliches of criminal behavior are connected with. To explain the “phenomenon of hunting” for a victim, the author uses the psychiatric term “ procedurality ”, meaning fixation on the process, and not on the result of the activity. Using a number of examples of well-known criminal series, the author emphasizes one of the features of criminals that prevented the rapid disclosure of crimes, which gave rise to a "series" - this is a "mask of normality." Criminal sexuality did not interfere with the socialization of these individuals in other spheres of life, such are the head of the military aviation base Trenton , aviation colonel Russell Williams, treasurer of the charity John Wayne Gacy , lawyer, psychologist and civil servant Theodore Robert Bundy. The author draws attention to the “delusional” motivation characteristic of the criminal behavior of persons with schizophrenia, since “delusional” ideas are one of the diagnostic signs of

schizophrenia. It is indicated in what situations, in the presence of typically " pedophilic " actions and mental disorders, the diagnosis of pedophilia is not established, which prevents the application of the norms of the Criminal Code of the Russian Federation, aimed at preventing relapse on the part of these persons. The author shows that the information necessary to create a psychological portrait is provided by the study of a typical history of a specific mental disorder, for example, for a serial sexual offender (with paraphilia) it will be highly likely: a difficult mother's birth, a brain injury in childhood, incest and beatings in the family. , with such consequences as enuresis , suicides, sexually cheeky behavior, "cold" upbringing, which has a search value.

**Butenko Oleg Sergeevich**

**CRIMINALISTIC AND PROCEDURAL ASPECTS OF THE INSPECTION OF MOBILE PHONES IN THE FRAMEWORK OF A PRELIMINARY INVESTIGATION**

**No. 4, 2016**

The article analyzes such investigative action as the examination of mobile phones, which is very poorly covered in the scientific literature. Therefore, the author specifically deals with both the forensic and procedural aspects of the investigative examination, since the regulation of the requirements for the examination of mobile phones is in its infancy. The author examines criminally significant traces that can be found on a mobile phone, gives separate recommendations on tactics for seizing and inspecting mobile devices, considers general requirements and grounds for examining mobile phones. Attention is focused on the fact that an important task facing an investigator at the initial stage of seizure and examination of a mobile device is to ensure the complete safety of forensically significant information in a mobile device unchanged. Further, the author analyzes modern software and hardware

tools used in investigative practice for examining mobile phones (UFED and XRY software and hardware systems, other software and hardware methods that allow to remove active and remote user information from a mobile phone). In addition, the article discusses the features of other methods of obtaining information from mobile phones, such as gaining root access to the device from the point of view of their forensic use. Given that one of the unsolved currently problems of practice is to overcome the protection of smartphones the iPhone (from version 4s), separately considered razrab otannaya in the current year up paratnaya system the IP Box the iPhone PASSW the ord Unlock Tool will , allowing for arri password to smartphones and plan Shetam from Apple . Also addresses the issue of the legal status of information contained in a mobile phone. Separately, the article discusses the issue of the need to obtain a court decision to inspect mobile devices, which is currently one of the most controversial in investigative practice due to the presence of a legislative gap in this area. It is noted that it is necessary to regularly provide investigators with relevant forensic information and practical skills necessary for successful work, including through the system of additional professional education , carried out by the Academy of the Investigative Committee of the Russian Federation.

**Bychkov Vasily Vasilievich**

**WEAPONS AND AMMUNITION AS A SYMPTOM OF CRIMINAL CRIMES OF WEAPONS**

**No. 4, 2016**

The article analyzes the domestic and foreign regulatory framework, as well as judicial practice in relation to weapons objects as the subject of crimes that form the criminal circulation of weapons and ammunition. The concepts and signs of weapons, their types are revealed : firearms , firearms of limited destruction, gas, cold and throwing, as well as the main parts and components of firearms,

ammunition, cartridges for firearms of limited destruction and for gas weapons. Problems in this area are formulated, in particular, the interpretation of these terms in domestic normative acts differs from international legal acts ratified by Russia. In addition, in Russia there is no consensus on this issue among the legislative and judicial branches of government.

In practice, assigning a defective and training firearm to the subject of a crime is difficult. It is doubtful whether weapons found during excavations in places of hostilities (for example, during the Great Patriotic War) are classified as the subject of a crime. The position with regard to firearms of cultural value is also unclear. It is also problematic to refer to the subject of the crime of old (antique) firearms.

There are no statutory or judicial exceptions for major parts and components of firearms, limited firearms and gas weapons.

The Constitutional Court of the Russian Federation, the provision of Part 4 of Art. 222 of the Criminal Code of the Russian Federation, which provides for criminal liability for the illegal sale of knives, was recognized as consistent with the Constitution of the Russian Federation. However, at the same time, the Constitutional Court of the Russian Federation in relation to cold weapons having cultural value, this provision of the Criminal Code of the Russian Federation recognized as inconsistent with the Constitution of the Russian Federation.

In practice, problems are also caused by the attribution of certain types of ammunition to the subject of these crimes, in particular, small cartridges unsuitable for firing from firearms. In addition, the consideration of weapons items, in particular, ammunition, on the basis of insignificance, as not posing a great public danger, raises doubts.

The main reason for the insufficiently effective counteraction to crimes that form the criminal circulation of weapons and ammunition is formulated - the imperfection of the regulatory framework in terms of classifying weapons as the subject of crimes, the contradiction of judicial practice with legislation.

**Ilyukhov Alexey Alexandrovich**

# PROBLEMS OF THEORY AND PRACTICE OF APPEAL PROCEEDINGS OF CRIMINAL CASES CONSIDERED BY THE COURT WITH THE PARTICIPATION OF JURIDES

**No. 4, 2016**

The article provides an analysis of the procedural order of appeal proceedings in cases considered by a court with the participation of a jury. The characteristic features of this form of revision of sentences are revealed, and at the same time, such advantages are noted, such as the ability to correct errors in the sentence, the ability to make any procedural decision, replacing the appealed sentence, without transferring the case for a new trial.

At the same time, given that the appeal review of complaints and submissions is carried out to establish the correctness of the application of the law, which narrows the scope of the study of the factual circumstances of the case, there is an ongoing scientific discussion regarding the need to expand the powers of appeal and, in general, the validity of revisions of sentences with the participation of juries in the appeal. okay.

The essence of the scientific dispute is to include the most experienced and qualified judges in the composition of the court of appeal, but the requirement for qualifications does not fully correspond to the fundamental principles in the activities of the court with the participation of jurors. The juxtaposition of professional and non-professional principles is not acceptable in the indicated form of administration of justice, since they pass a verdict, and professional judges pass a sentence on their decisions. In addition, the very procedure for verifying court decisions with the participation of jurors is not complete, due to the specifics of the trial with the participation of juries, which consists in re-examining the factual and legal side of the issue; comparing the results of the check with the conclusions set out in the verdicts of the courts of first instance.

On the basis of statistical data, it is noted that the indicators of the cassation practice of revisions of sentences with the participation of jurors before January 1, 2013, in percentage terms, look higher. In addition, difficulties are caused by the very interpretation and application in practice of the rules governing the very procedure for appeal proceedings in criminal cases with the participation of jurors.

It is concluded that the appeal proceedings in its classical version cannot be applied to the decision of the courts with the participation of jurors, while taking into account the fact that such examples are practically unknown in criminal procedural science. In addition, the introduction of the appeal proceedings against the decisions of the courts with the participation of the jury violates the special competence associated with the establishment of the factual circumstances of the case and the guilt of the defendant. Therefore, in general, an appeal review of court verdicts with the participation of jurors on the basis of their unfoundedness is not possible, since the mechanism of verification procedures does not fit this composition of the court due to the very subject of verification (Article 389.25, Part 1 of Article 389.19 of the Code of Criminal Procedure of the Russian Federation ). The legislator tried to solve this problem by creating a legislative model that is characteristic of the so-called “incomplete” appeal.

**Galkin Denis Viktorovich**

**ABUSE: INTERPRETATION AND EVIDENCE ISSUES**

**No. 4, 2016**

The article discusses the issues of establishing by the investigator the fact of cruelty to children during the investigation of criminal cases. Based on the analysis of the norms of domestic and international law, the author proposes to qualify as "cruel treatment" not only physical violence, but also the facts of psychological violence and neglect of children. Article 156 of the Criminal Code of the Russian Federation provides for liability for failure to fulfill the duties of raising a minor if

this act is combined with cruel treatment of a minor. The application of this provision in investigative and judicial practice complicates the ambiguity of the term “ill-treatment”. On the one hand, the terms "abuse" and "violence" are equated with physical or sexual abuse. This is a typical investigative situation in cases of crimes under Art. 156 of the Criminal Code of the Russian Federation: the presence of abrasions, bruises, bruises, burns, cuts on the child's body, which indicate cruel treatment. On the other hand, in addition to physical violence, there are such forms of violence as mental violence, as well as neglect - in relation to young children, whose life and health may be at risk without proper parental care. Article 156 of the Criminal Code of the Russian Federation is applied, as a rule, when identifying signs of physical or sexual violence, and facts of mental violence or neglect are often ignored by the law enforcement officer . The qualification of these forms of violence as child abuse is hindered by various factors, including the lack of a formalized interpretation of the term "abuse" in judicial acts and the norms of Russian law. At the same time, the norms of international law, ratified by the Russian Federation, contain an interpretation of the term “cruel treatment of children”. So, in the resolution of the Plenum of the Supreme Court of the Russian Federation dated 01.02.2011 No. 1 "On judicial practice of the application of legislation regulating the peculiarities of criminal liability and punishment of minors" it is indicated that when considering criminal cases against minors, the provisions of the Convention on the Rights of the Child of 1989 should be taken into account. ratified by the USSR on June 13, 1990. According to the provisions of the Convention on the Rights of the Child, child abuse can be expressed in any form of "physical or psychological violence, insult or abuse, neglect or neglect, abuse or exploitation, including sexual abuse, with the side of the parents, legal guardians or any other person caring for the child ”. Thus, taking into account the provisions of the Convention on the Rights of the Child, when investigating crimes under Article 156 of the Criminal Code of the Russian Federation, the established facts of mental violence against children or neglect can

be qualified as “cruel treatment”, along with the facts of physical or sexual violence.

**Rozovskaya Tatiana Igorevna**

**EVOLUTION OF THE INSTITUTE OF CRIMINAL LEGAL IMPACT ON LEGAL ENTITIES**

**No. 4, 2016**

Long-term discussions about the need to introduce the institution of criminal liability of legal entities into the Russian legal system are turning into a practical plane. Draft Federal Law No. 750443-6 "On Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Introduction of the Institution of Criminal Liability of Legal Entities" submitted to the State Duma of Russia on March 23, 2015 is a decisive step towards the formation of a new sub-branch of criminal law in Russia. The document contains many new interesting provisions that deserve support, it takes into account the constructive criticism of the 2011 bill of the IC of Russia. In particular, the introduction of corporate responsibility is fully proposed. The authors of the project did not limit themselves to using the model of “measures of a criminal-legal nature in relation to organizations”. The definition of the guilt of a legal entity (Article 96.3 of the Criminal Code) contains the forms used in the main foreign doctrines of states that apply the institution of criminal liability of organizations: the concept of subjectivist guilt (theory of identification) and the objectivist direction of guilt of a legal entity (theory of guilt of past behavior). The draft law provides for a wide range of basic and additional penalties that may be assigned by the court to legal persons convicted of crimes, and others. Training Institute of the Academy of the Russian IC in conjunction with the investigating officers of the North-West and the Crimean Federal District held a preliminary monitoring of the application of the proposed norms of criminal and criminal procedure legislation. Based on its

results, problems are identified that may arise in law enforcement activities when a newly introduced subject is brought to criminal responsibility. Some of them are proposed for discussion in the article. The greatest difficulty due to the prevailing stereotype of the subject of a crime is understanding the guilt of a legal entity. At the same time, the author proposes to classify this problem as overcome. Familiarization with the draft law also reveals ambiguities due to the emergence of new definitions, which, without disclosing their content, can lead to problems in the criminal-legal assessment of the offense. In addition, many issues in the provisions of the draft law remain unresolved: in particular, the procedural aspect of exemption from criminal liability of an individual in connection with the involvement of a legal entity. The author also notes the existence of the problem of the balance of public and private interests in the application of property sanctions against a legal entity found guilty of a crime, which was not reflected in the draft law.

**Samoilova Yulia Borisovna**

**CRIMINAL PROTECTION OF WATER BIOLOGICAL RESOURCES**

**No. 4, 2016**

The author examines the criminal-legal characteristics of illegal harvesting (catching) of aquatic biological resources, committed with causing major damage (clause "a", part 1 of article 256 of the Criminal Code of the Russian Federation). In particular, the problem of the lack of clear criteria in the legislation is investigated, on the basis of which the damage caused as a result of illegal extraction of aquatic biological resources is assessed as large. Based on the analysis of the legal framework, theory, practice, an attempt was made to find ways to resolve the identified problems.

The author is critical of the proposals of researchers who see the solution to the problem of determining large-scale damage in relation to the article under consideration in specifying it in the footnote to Art. 256 of the Criminal Code of the Russian Federation by determining the minimum amount of its monetary equivalent (5,000, 10,000, 30,000, 100,000, 250,000 rubles, etc.), calculated on the basis of the rates approved by the Government of the Russian Federation.

It is concluded that when assessing the damage caused to aquatic biological resources, the criteria should be used in quantitative terms, taking into account the ecological situation in the region. It is proposed to supplement Art. 256 of the Criminal Code of the Russian Federation with a note that large damage caused to aquatic biological resources for the purposes of this article is approved by the Decree of the Government of the Russian Federation. In developed for the purposes of Art. 256 of the Criminal Code of the Russian Federation By the Decree of the Government of the Russian Federation, the amount of damage should be established separately for each water basin, taking into account the environmental situation in different regions and periodically reviewed.

In order to differentiate punishment among the qualified corpus delicti under Art. 256 of the Criminal Code of the Russian Federation, it is necessary to highlight the act committed with the infliction of especially large damage.

**Kazakov Alexander Alekseevich**

**IMBALANCE IN THE LEGAL REGULATION OF PROCEDURAL IMMUNITIES IN THE SPHERE OF CRIMINAL PROCEEDINGS**

**No. 4, 2016**

In the article, procedural immunities in criminal proceedings are considered as an exception from the constitutional principle of equality of a person and a citizen before the law and the court. A provision is formulated on the admissibility of such exceptions. At the same time, it is emphasized that the legislator needs to

establish clear boundaries for the validity of procedural immunities. Their consolidation at the normative level is due to the need to ensure the inviolability of persons performing publicly significant functions. In turn, the legal regulation of the guarantees under consideration should presuppose the establishment of an optimal balance between different interests. In support of this position, the legal position of the Constitutional Court of the Russian Federation is given. In the author's opinion, such a balance is currently not fully achieved. The reason for this is the shortcomings in the legal regulation of criminal proceedings in relation to certain categories of persons. Significant difficulties for the law enforcement officer are created by the consolidation of procedural immunities in several normative acts - both the Code of Criminal Procedure of the Russian Federation and other special federal laws. Examples of different statements of the same guarantees in these acts are given, which does not allow achieving the required level of legal certainty in the investigated sphere of relations.

The author gives recommendations on the procedure for the production of procedural actions in relation to subjects with a special legal status. However, it is noted that in order to avoid ambiguous interpretation of regulatory requirements, it is necessary to amend the law.

Analysis of some procedural immunities indicates that they can serve as an unconditional obstacle to bringing the perpetrators to criminal responsibility. These include the need to obtain the prior consent of the relevant chamber of the Federal Assembly for a search in the living quarters of a deputy of the State Duma and a member of the Federation Council.

Separately, the disproportionate establishment of privileges for certain categories of persons is noted. For example, lawyers are endowed with an excessive amount of guarantees. It is proposed to consider procedural immunities as a single system.

The imbalance in the legal regulation of procedural immunities is also due to the lack of clear regulation of the procedure for the production of procedural actions in relation to persons who have lost their special status, as well as those

who have refused the benefits provided to them by law. Such actions should be carried out in a general manner.

**Skobelin Sergey Yurievich**

**TRENDS OF THE CRIMINAL POLICY OF RUSSIA AT THE BEGINNING OF THE XXI CENTURY**

**No. 4, 2016**

The article reveals the concept and modern trends of the criminal executive policy of the Russian Federation in the XXI century. The article analyzes the judicial practice of imposing criminal sentences and other criminal-legal ones, first from 2000 to 2007, and then from 2007 to 2014. There is an inadequate stability of the number of convicts and the proportion of certain types of punishments to which they were sentenced in the first group. The conclusion is made about the conservative approach of judges to the principles of individualization and differentiation of criminal responsibility. The reasons for the current situation are identified, related to legislative inaccuracies, which do not allow the appointment and effective implementation of alternative to imprisonment of criminal law measures. Ways of solving these problems are proposed. The author notes and explains the reasons for the change in the ossified approach in the appointment and execution of sentences since 2007, when the convention of criminal liability and real imprisonment are replaced by measures of criminal law that are not related to the isolation of convicts from society. Prospects are outlined for the further implementation of the country's criminal executive policy in accordance with the tasks of the Concept for the development of the penal system until 2020.

The analysis is focused on significant changes in the criminal and penal legislation in the field of the appointment and execution of sentences and other measures of a criminal-legal nature. Using the example of punitive practice for crimes against traffic safety and operation of transport, corruption and terrorist

crimes, an attempt is made to show the imperfection and collision of the principles of humanism and justice. It is proposed to correlate the mitigation of conditions and the procedure for the execution and serving of sentences by convicts with the rights of victims of criminal encroachments. In order to prevent new crimes and correct convicts, it is proposed to exclude duplication of functions of control over convicted juveniles without isolation from society by the institutions of the criminal executive system and units for juvenile affairs of the Internal Affairs Directorate, transferring these functions to the latter. It also substantiates the need to change the legal nature and essence of punishment in the form of forced labor due to the transformation of the institution of colony-settlements, which in fact are not places of imprisonment.

**Kurnysheva Elena Alexandrovna**

**Rodionova Yulia Viktorovna**

**FORMATION OF A PROFESSIONAL EDUCATION SYSTEM FOR INVESTIGATORS OF THE INVESTIGATIVE COMMITTEE OF THE RUSSIAN FEDERATION IN THE VOLGA FEDERAL DISTRICT**

**No. 4, 2016**

The article demonstrates the way of development of professional education of investigators of the Investigative Committee of the Russian Federation in the Volga Federal District. The chronology of the creation of a new form of additional professional education for employees of the Investigative Committee of the Russian Federation - the district educational structure - of the fourth faculty (located in Nizhny Novgorod) of the Institute for Advanced Studies of the Federal State Educational Institution of Higher Education "Academy of the Investigative Committee of the Russian Federation" is given.

The authors reveal some areas of activity of the fourth faculty of advanced training, one of which is a priority for the Investigative Committee of the Russian

Federation as a whole - it is the organization of work to improve the professional development of young investigators.

The principles of building a system of education quality are highlighted, the structural elements of the education quality control system implemented in the fourth faculty of advanced training are given, in particular, control of students' knowledge during enrollment, control of knowledge, skills and abilities of students based on the results of studying a specific discipline - criminal law, criminal procedure, criminalistics , final certification (defense of the final work (abstract), exam in the form of testing.

The article shows the interaction of practitioners and the teaching staff as a form that improves the quality of the educational process.

The authors paid attention to the unity of training and education systems on the example of the fourth faculty of advanced training of the Institute for advanced training. This study reflects the development of patriotic education of employees of the Investigative Committee within the framework of their training and advanced training in various programs, the impact of such education on the development of moral and ethical qualities in employees in the implementation of their professional activities, namely, the investigation of crimes.

The results of the task of organizing advanced training of investigators of the Investigative Committee of the Russian Federation in the Volga Federal District have been summed up. So, in the fourth faculty of advanced training, not only the training of students is provided, but a solid scientific foundation is formed, thanks to the involvement of students in writing scientific papers during the training period - abstracts, reports, and their participation in scientific forums held by the fourth faculty.

**Khmeleva Alla Vladimirovna**

**PRELIMINARY IMPACT IN RUSSIA: A RETROSPECTIVE LOOK**

**No. 4, 2016**

The article examines the formation and development of such a procedural institution in Russia as a preliminary investigation. In connection with the recent proposals for reforming the investigation, a retrospective look at the formation of investigative bodies, the emergence of the institution of judicial investigators, the peculiarities of their procedural status, powers, organization of interaction with the prosecutor's office and the police is of particular importance. There is no doubt that historical studies of the emergence and formation of any legal institution help to better understand its purpose, place in the legal system, and the effectiveness of its functioning.

The beginning of a new era in the criminal procedure of Russia was laid by the reforms of 1860-1864, the main achievements of which are reflected in the Charter of Criminal Procedure. An analysis of its norms allows us to state that a mixed type of criminal procedure was established in Russia with the predominance of investigative and search signs at the preliminary investigation and adversarial ones at the judicial stage.

The article analyzes in detail the procedural powers of a judicial investigator contained in the "Institution of judicial investigators" and "Order to judicial investigators" signed by Alexander II on June 8, 1960. It is emphasized that despite the fact that an accusatory bias was seen in the activities of the investigator, the investigator was obliged with complete impartiality to clarify both the circumstances incriminating the accused and the circumstances justifying him; the purpose of his activity was determined by the establishment of material truth about the committed act.

In 1894, a special commission was created to summarize the experience of the organization and the results of the preliminary investigation, to identify the existing shortcomings and to develop proposals for its improvement. It was found that the alleged independence and procedural independence of the judicial investigators had not actually been achieved, the quality of the investigation often did not meet the requirements, there were long investigation periods, which

was largely due to the significant burden on the investigator (at the same time, 20-40 cases were usually in his proceedings).

As a result of the attempted historical analysis of the results of the reform, the investigation in Russia in the middle of the 19th century. and proposals for a return to the institution of forensic investigators in our time, the author notes that when reforming the investigation, it is necessary to proceed from the existing financial situation in the state, the staff of the investigative and judicial corps, national traditions, mentality, the level of legal awareness of the population and law enforcement officials.

According to the author, the improvement of the organization and production of the preliminary investigation should be carried out by solving legislative problems, strengthening the material base of the investigating authorities, comprehensive work to increase the prestige and significance of the position of an investigator, develop a sense of dignity in it, respect for the profession and respect for oneself in the profession, fostering involvement with those who stood at the origins of the investigation of Russia. And for this, it is necessary to strengthen in every possible way the specialized investigative body created in 2011 - the Investigative Committee of the Russian Federation, a fundamentally new department that is directly subordinate to the head of state. After the major investigative offices of the 18th Military District in Russia, specialized independent investigative bodies were re-created, which to a certain extent bear the features of the national historical tradition.

**Bastrykin Alexander Ivanovich**

**NIKOLAY SERGEEVICH ALEXEEV (1914-1992)**

**No. 4, 2016**

The article reveals the biographical milestones of the Soviet and Russian legal scholar, Honored Scientist of the Russian Federation, Doctor of Law, Professor Nikolai Sergeevich Alekseev. On the life of a scientist, born in 1914, left

a mark first world- -hand war, the October Revolution and the Civil War. Having received Started -chy seniority at the plant, he entered the Leningrad Institute of Law, after which he worked as a prosecutor. He was drafted into the army on the eve of the Patriotic War, which he met in the position of a litruk in the regiment of the NKVD troops. Already in July 1941, he was wounded and severely shell-shocked, and after being removed he was sent to the military prosecutor's office. N.S. Alekseev was on many fronts, including besieged Leningrad. He ended the war as a military prosecutor of a separate railway brigade. From 1947 until the end of his life, N.S. Alekseev taught at the Faculty of Law of the Leningrad State University. A.A. Zhdanov. At the same time, for about forty years he headed the department of criminal procedure and forensic science, was repeatedly elected dean of the faculty.

Nikolai Sergeevich was a scientist with a wide scientific outlook. His creative interests were not limited to any one narrow topic or any one line of research. The orbit of his multifaceted scientific activity included the most diverse and very topical problems of criminal law, criminology, criminal procedure and forensic science.

In his Ph.D. thesis, he investigated the issues of the historical development of Russian and Soviet criminal legislation on responsibility for evading military service. His dissertation for the degree of Doctor of Law - "Codification of the criminal legislation of the two German states" - was a deep comparative study of the legislation of the GDR and the Federal Republic of Germany and was prepared on the basis of an in-depth study of foreign sources.

The professor lectured on criminal law and procedure at German universities, and in impeccable German. In 1959, the Walter Ulbricht German Academy of State and Legal Sciences awarded him an honorary doctorate.

A separate topic of serious scientific interest for N.S. Alekseev was the topic of the criminal responsibility of Nazi criminals.

In the 60-70s of the twentieth century, as an expert from the USSR, he took an active part in a number of major trials in cases of Nazi crimes. Moreover,

N.S. Alekseev was the assistant to the chief prosecutor at the Nuremberg trials from the Soviet Union R.A. Rudenko.

N.S. Alekseev took an active part in writing and editing textbooks on criminal procedure and criminalistics, commentaries on criminal procedure legislation.

His reports were heard at many international scientific forums, both in the Soviet Union and far beyond its borders (in Great Britain, Germany, Poland, Finland and other countries).

Nikolai Sergeevich was a tireless propagandist and popularizer of legal knowledge: he lectured with great success in a wide variety of audiences, published popular articles and brochures addressed to a wide range of readers, took an active part in the activities of the public organization "Knowledge".

The services of Nikolai Sergeevich were highly appreciated by the Soviet state. He is a holder of a number of high military awards and has a foreign award, was awarded the title of Honored Scientist of the RSFSR, three times laureate of the Leningrad State University. A.A. Zhdanov for the best scientific work.

**Alexander Shakhmatov**

**Alexander Vyacheslavovich Fedorov**

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The article is dedicated to the 60th anniversary of the famous practitioner and scientist - Professor Alexander Vyacheslavovich Fedorov. It provides brief information about the hero of the day, data on the main directions of his scientific research and the works published by him, it is concluded that he has formed an interdisciplinary scientific school of combating crime. Using the example of A. Fedorov's scientific and practical activities, it is shown that it is practice that determines the need for appropriate legal research, since legal science cannot be divorced from the realities of life, but is derived from them, providing a solution to practical problems. In turn, legal practice, firstly, is largely based on the results of

previous scientific activities, and secondly, it is ultimately aimed at solving practical problems. It follows from the above analysis that, on the one hand, legal practice is a source of development of legal science, and on the other hand, legal science largely determines what legal practice should be. In particular, the author considers the research practice of A.V. Fedorov on the development of common approaches to solving the issues of bringing persons with immunity to criminal liability, in order, on the one hand, to ensure the proper implementation of guarantees of immunity, on the other, to create and, on the basis of the law, implement procedures for limiting immunity in order to ensure the inevitability of liability of persons with immunity when they commit crimes. The data on the study of A.V. Fedorov of foreign experience and his scientific works on the issues of criminal liability of legal entities abroad and the prospects for the introduction of such liability in Russia, the results of which allowed the author to come to the conclusion that the introduction of criminal liability of legal entities is not only advisable, but also inevitable in the future. Attention is focused on the works of this author on legal policy, in which many provisions of the criminal law anti-drug policy are considered as a component of the state legal anti-drug policy of the Russian Federation, general provisions of the theory of the Russian criminal law anti -drug policy are formulated, the current state of the criminal law anti-drug policy is studied. , identified and analyzed individual trends in the development of this policy, including those caused by the influence of international anti-drug treaties, to which the Russian Federation is a party. Attention is drawn to the provisions of his research, reflecting the social (including economic) conditionality of the criminalization of certain acts, the limits of responsibility for their commission and the grounds for exemption from such responsibility.