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INVESTIGATION OF CRIMES COMMITTED BY A SPECIAL SUBJECT IN THE RUSSIAN FEDERATION

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Abstract

The scientific article considers only small but significant individual issues related to the organization and tasks of the investigative units of the Investigative Committee of the Russian Federation. However, scientific research shows that neither the structure of the Central Office of the Investigative Committee of the Russian Federation nor other bodies of the Committee provides for special investigative units that would be responsible for conducting preliminary investigations in respect of a person under the age of criminal responsibility or a minor. On the basis of an analysis of the activities of investigators in the area of the investigation of such crimes, it is proposed that special units be established within the structure of the Central Office and in the territorial bodies of the Investigative Committee of the Russian Federation to carry out preliminary investigations into criminal acts committed by minors or persons under the age of criminal responsibility. It is also noted that in order to improve the quality and efficiency of the preliminary investigation of such criminal cases, it is necessary: firstly, to create and allocate a separate post of investigator for the investigation of such crimes, as well as to increase the requirements for such a post. Secondly, it is necessary to radically change the social policy of the state and the basis of the procedural activities of judges, prosecutors and investigators by determining in their activities the principle of establishing the true circumstances of what happened.

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1. Introduction

Presidential Decree No. 38 of 14 January 2011 entitled "Questions relating to the activities of the Investigative Committee of the Russian Federation" established the Investigative Committee of the Russian Federation as an independent preliminary investigation body by withdrawing it from the Office of the Procurator-General of the Russian Federation. The organization and activities of the Investigative Committee of the Russian Federation are governed by the Regulation on the Investigative Committee of the Russian Federation. In addition to the aforementioned regulation, the State Duma also approved and adopted the Federal Law on the Investigative Committee of the Russian Federation, which entered into force in 2011, in order to ensure the normal procedural work of the investigative agency. These legal and regulatory instruments, as amended, are valid and directly define the tasks, powers and structure of the Investigative Committee of the Russian Federation. A study of the various legislative sources and practices of both Russia and foreign countries has led to the conclusion that there is no analogue of such a law enforcement agency in the history of Russia and other countries. This situation shows the proper development of the national legal science and state in general (Timoshina, 2015).

It is important to note that whatever the success of the organization and the activities of this or that law enforcement agency, it will always be present and there will be problems, because human activity is not perfect. The positive success of the Investigative Committee of the Russian Federation in the fight against criminal acts is influenced not only by the developed criminal procedure legislation, but also by the structure of its investigative bodies and individual moments of the legal status of the investigator. In this connection, many general questions and problems related to the organization and activities of the Investigative Committee of the Russian Federation, as well as the legal status of the investigator of this State department, are constantly in the spotlight of legal science and its representatives, since this law enforcement agency is entrusted with the function of conducting preliminary investigations in order to protect human and civil rights from criminal assaults.

Many scholars have already raised this issue with regard to the establishment of such a law enforcement system, as provided for in international law. However, the subject of such research has always been the judicial system, which proposes the establishment of a special judicial system to deal with cases against persons under the age of criminal responsibility and juveniles.

However, among the various problems analyzed by us in the course of scientific research and the question in the field of organization and activities of the Investigative Committee of the Russian Federation, there were no scientific works that would be exclusively devoted to the study of the organization and activities of investigative units of the Investigative Committee and the legal status of the investigator of such units in the investigation of criminal acts committed by special subjects, namely, such as persons under the age of criminal responsibility or non-criminalized.

2. Problem Statement

There is a significant increase in the commission of open and latent criminal acts in the Russian Federation today, with a special subject being a person under the age of criminal responsibility or a minor, a problem that has not yet been resolved by law. The growth of such crime is more influenced by

the social policy of the state. The minimum social guarantees established in the Constitution of 12.12.1993 have ensured an increase in the commission of crimes among such subjects. In order to combat such crime, the state has assigned a number of functions to various law enforcement agencies. The function of preliminary investigation was assigned to the preliminary investigation bodies, to which the Investigative Committee of the Russian Federation belongs; however, in the organization of the activity of investigators of the Investigative Committee of Russia at the appropriate level there is no specialization in the investigation of criminal acts, the subject of which is a person under the age of criminal responsibility or a minor.

It is worth noting that international law notes the need to establish not only separate courts, but also special law enforcement units to investigate crimes committed by persons under the age of criminal responsibility or minors (Meshkov, 2017). It will be necessary to train judges for such courts. In particular, special investigators who will investigate crimes with the participation of such subjects should be trained. Such a requirement on the part of international organizations, namely the UN, is justified by the vulnerability of such actors and the need to ensure an adequate level of protection of the rights of persons under the age of criminal responsibility and juveniles (Gorbacheva, 2008).

3. Research Questions

Thus, the organization and activities of the Investigative Committee of the Russian Federation are regulated by the Regulation "On the Investigative Committee of the Russian Federation" and the Federal Law "On the Investigative Committee of the Russian Federation".

The system of investigative bodies of the Investigative Committee of the Russian Federation consists of the Central Office of the Investigative Committee and units of the central apparatus; the main investigation departments and investigation departments of the Investigative Committee for the constituent entities of the Russian Federation and others. No specific features have been identified in the general system of the Investigative Committee of the Russian Federation. Such a system is characteristic of most law enforcement agencies. The general system has no impact on improving the efficiency and quality of preliminary investigation of crimes by persons who have not reached the age of criminal responsibility or by juveniles (Fedorov, 2011; Polyakova, 2015).

The Central Office of the Investigative Committee of the Russian Federation is of particular interest, which serves as a basis for organizing investigative units in the field. Thus, the structure of the Central Office of the Investigative Committee of the Russian Federation includes: the Main Department for Investigation of Particularly Important Cases consisting of the Investigation Department and the Control and Investigation Department; the Main Investigation Department consisting of the Department for Investigation of Crimes Against the Person and Public Security, the Department for Investigation of Crimes against the State and the Economy, the Department for Investigation of Crimes Related to the Use of Prohibited Means and Methods of War, the Department for Investigation of Crimes Related to the Application of Prohibited Means and Methods of Warfare, the Department for Investigation of Crimes related to the Use of Prohibited Substances and Methods of Warfare. As can be seen, the structure of the Central Office of the Investigative Committee of Russia provides for investigative units that carry out preliminary investigations, for example, in relation to officials, persons with military status, etc

(Erezhipaliyev, 2017). However, among all the subdivisions of the Main Investigation Directorate of the Central Administration of the Investigative Committee of the Russian Federation we did not find a special investigation department whose function would be connected with the preliminary investigation of criminal acts only in respect of persons who had not attained the age of criminal responsibility and minors. The same is true of the investigation departments by subject and territorial investigation departments. In this connection, it would be logical to create a special investigative department in the Central Office of the Investigative Committee of the Russian Federation, which would be exclusively responsible for conducting preliminary investigations into criminal acts where the subject is a minor or a person under the age of criminal responsibility. And to introduce a special position of investigator for investigation of crimes with such a subject in the investigation departments. Such an internal organization of the system of field units will be taken from the Prosecutor's Office of the Russian Federation, where a special assistant to the Prosecutor for the supervision of compliance with the laws on minors will be allocated. Such an organization would ensure the improvement of the quality and efficiency of the investigation of criminal cases against juvenile offenders (Sinitsina, 2005).

In addition, the Investigative Committee of the Russian Federation does not have special investigators who would be responsible for conducting preliminary investigations into persons under the age of criminal responsibility and minors. Candidates for these positions of investigator should be appointed from among the persons who have already had practical experience in the field of criminal proceedings with such a subject and have undergone advanced training in this field. The designation of such investigators as a separate category would ensure the beginning of the development of successful investigative practices with all the subtleties of pretrial investigation of such persons. In particular, it would ensure the rights and freedoms of such persons at the preliminary investigation stage.

4. Purpose of the Study

The purpose of the study is to identify and study individual problems in the Investigative Committee of the Russian Federation on the organization of preliminary investigation of juvenile persons who have not reached the age of criminal responsibility, as well as to develop sound legal proposals and recommendations for their elimination.

5. Research Methods

The methodological basis of the research is a set of methods of scientific cognition. Among the general scientific methods the dialectical method and the system-structural approach have been applied. The analysis, synthesis, generalization, and modeling methods were used to study the organization and activities of the Investigative Committee of Russia in more detail.

Normative legal materials determining the organization and activities of the Investigative Committee of Russia were studied during the study. For this purpose, special methods were used to analyze the documents of the Investigative Committee of Russia.

6. Findings

As a result of the problems raised and the alignment of the law enforcement system with the norms of international law in the field of ensuring the rights and freedoms of minors and persons who have not reached the age of criminal responsibility in Russia, it is possible to: firstly, to establish a special investigative department within the Central Office and investigative departments for subjects of the Investigative Committee to investigate crimes committed by minors and persons under the age of criminal responsibility; secondly, to introduce a special position of investigator for investigation of crimes committed by juveniles and persons under the age of criminal responsibility in the investigation departments of cities, districts, and inter-districts, as provided for in the prosecutor's office; and thirdly, to train special investigators and increase the requirements for the position of investigator, whose functions are related to the preliminary investigation of criminal acts, where the subject is a minor or a person under the age of criminal responsibility; fourthly, to radically change the social policy of the state.

7. Conclusion

Thus, taking into account all of the above, it should be noted that today in the Russian Federation crimes are committed where the subject is a minor or a person under the age of criminal responsibility. Most of these crimes are of a latent nature. The existing problem in this area is not resolved by the state. To counteract crimes with such a subject, various law enforcement agencies are involved. Among all law enforcement agencies, the Investigative Committee of the Russian Federation is given considerable importance and is assigned the function of preliminary investigation (Babich, 2019).

As the research has shown, the activity of investigators of the Investigative Committee of Russia in this area is not provided at the proper level of specialization in the investigation of criminal acts, the subject of which is a person under the age of criminal responsibility or a minor. This situation is related not only to problems in the procedural activities of investigators, but also in the Investigative Committee of Russia itself. Inadequate organization does not allow for the formation of a positive investigative practice, and the provisions of international law regarding the establishment of a separate system of bodies and officials in this area have not been implemented.

The Investigative Committee of Russia does not have a special system of investigative units specializing in the investigation of crimes committed by juveniles or persons under the age of criminal responsibility.

In order to protect the rights and freedoms of such subjects of crime, we recommend creating such a system of investigative units in the system of the Investigative Committee. In investigation departments, we recommend that a separate position of investigator be created for preliminary investigation, where the subject is a juvenile or a person who has not reached the age of criminal responsibility.

The study also revealed that there are no special investigators to conduct preliminary investigations with such a subject. It is proposed that a part of the staff of the Investigative Committee should be separated from the staff of the Investigative Committee and that they should be retrained.

As a result of such changes, the quality and efficiency of preliminary investigation, where the subject is a minor or a person under the age of criminal responsibility.

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