

THE ORIGINS OF THE INSTITUTE OF PHYSICAL EVIDENCE IN RUSSIAN CRIMINAL PROCEEDINGS

AS ORIGENS DO INSTITUTO DE PROVAS FÍSICAS EM PROCESSOS CRIMINAIS RUSSOS*

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Abstract: The article discusses the historical aspects of the formation and development of the institute of physical evidence in the criminal process in Russia. The main method of research was the general scientific systematic method of cognition which made it possible to comprehensively consider the historical aspects of the formation and development of the institute of physical evidence in criminal proceedings in Russia. In modern conditions of improvement and development of the criminal process in Russia, provisions affecting the strict observance of the established procedure for criminal proceedings and procedural norms guaranteeing the protection of the individual, his rights and freedoms, the interests of society and the state from crimes, are of particular importance, by solving crimes, exposing and bringing to justice those who committed them, a fair trial and the correct application of the criminal law. The implementation of these provisions in practice is most facilitated by the study of issues of one of the central spheres of criminal procedure – physical evidence. The importance of studying this problem is dictated by the need to correctly identify and classify physical evidence when making procedural decisions in pre-trial proceedings in criminal cases, for which it is necessary to study their historical process of formation and development.

Keywords: Criminal proceedings. Preliminary investigation. Proof. Collection. Verification and evaluation of physical evidence.

Resumo: O artigo discute os aspectos históricos da formação e desenvolvimento do instituto de provas físicas no processo criminal na Rússia. O principal método de pesquisa foi o método científico sistemático geral de cognição que tornou possível considerar de forma abrangente os aspectos históricos da formação e desenvolvimento do instituto de provas físicas no processo criminal na Rússia. Em condições modernas de melhoria e desenvolvimento do processo penal na

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Rússia, disposições que afetam a estrita observância do procedimento estabelecido para processos penais e normas processuais garantindo a proteção do indivíduo, seus direitos e liberdades, os interesses da sociedade e do Estado contra crimes, são de particular importância, resolvendo crimes, expondo e trazendo à justiça aqueles que os cometeram, um julgamento justo e a correta aplicação da lei penal. A implementação destas disposições na prática é mais facilitada pelo estudo de questões de uma das esferas centrais do processo penal - as provas físicas. A importância do estudo deste problema é ditada pela necessidade de identificar e classificar corretamente as provas físicas ao tomar decisões processuais em procedimentos prévios ao julgamento em casos criminais, para os quais é necessário estudar seu processo histórico de formação e desenvolvimento.

Palavras-chave: Procedimentos penais. Investigação preliminar. Comprovação. Coleta. Verificação e avaliação de provas físicas.

1. INTRODUCTION

A detailed study of the theoretical foundations of such a criminal procedure institution as evidence leads us to the conclusion that there is no unambiguous interpretation of the concept of “physical evidence”. This is connected, first of all, with the versatility of the objects of the material world themselves, which can act as such. In addition, as authoritative researchers correctly point out, the problem is exacerbated by the emergence of new types of evidence, such as digital assets (Pushkarev et al., 2022, p. 111-125), for which there is no legal regulation in the Russian Federation.

Speaking of the formation and development of the institution of evidence in the domestic criminal procedure science, one cannot but agree with the opinion of N. S. Alekseev that “the doctrine of evidence is one of the most important parts of the criminal process. If a criminal process is understood as a certain movement of a criminal case, then the decisions made in criminal proceedings are based on evidence” (Alekseev, Lukashevich, 1989, p. 122).

2. LITERATURE REVIEW

In modern conditions of improvement and development of the criminal process in Russia, provisions affecting the strict observance of the established procedure for criminal proceedings and procedural norms guaranteeing the protection of the individual, his rights and freedoms, the interests of society and the state from crimes by disclosing crimes, exposing and bringing to criminal responsibility the persons who committed them, fair judicial proceedings and the correct application of the criminal law. The implementation of these provisions in practice is most facilitated by the study of issues of one of the central areas of criminal procedural activity - physical evidence.

However, there is no unity of views among the processualists regarding the definition of physical evidence, their purpose both from the point of view of theoretical and from the point of view of practical nature. Many issues concerning the procedure for collecting and evaluating physical evidence also remain unresolved, which creates certain problems in the activities of investigative and judicial bodies.

Thus, the issues of physical evidence in recent years have become the subject of research Kochkina M.A. (2015), Kravchenko M.E. (2017), Maslov A.K. (2011), Pastukhov P.S. (2015), Pilyugin N.N. (2006), Pobedkin A.V. (1998), Popova N.A. (2007), Profatilova N.V. (2008), Khudyakova Yu.V. (2006) and etc.

Based on the subject of these dissertation studies, it can be concluded that the issues of the procedural procedure for collecting, verifying and evaluating material evidence were considered in them only with a conditional share of the goals, object and subject stated in them.

At the same time, it should be noted that comprehensive monographic studies of issues related to the concept, classification, as well as the procedural procedure for collecting, checking and evaluating physical evidence in criminal proceedings remain relevant and in demand at the present time.

3. MATERIALS AND METHODS

The methodological basis of the study is the general scientific systemic method of cognition, which made it possible to comprehensively consider the historical aspects of the formation and development of the institute of physical evidence in criminal proceedings in Russia, and related problems of theory and practice.

In preparing this study, the authors used the following scientific methods:

- the formal-logical method, consisting in the analysis of the elements of the concept and classification of physical evidence in criminal proceedings;
- the comparative legal method, which analyzes the features of the normative legal regulation of the concept and classification of physical evidence in criminal proceedings;
- the concrete sociological method used in the sociological survey of investigators and heads of investigative bodies;
- the statistical method, including the collection and analysis of information on the number of criminal cases, during the investigation and consideration of which problems were identified related to the formation of the evidence base in terms of the collection,

verification and inclusion of physical evidence;

- the method of legal and technical analysis used in formulating and making proposals for improving the provisions of the criminal procedural legislation governing relations that develop in the process of collecting, verifying and evaluating physical evidence in pre-trial criminal proceedings.

4. RESULTS

In the theory of criminal justice as early as the beginning of the 19th century, various definitions were given. So, S. V. Pozdnyshev expressed the opinion that “those evidence in the case that consist of external objects are called physical evidence. These items may be related to crimes by the fact that, for example, they served as objects or were tools of a crime, were products of criminal activity, etc” (Pozdnyshev, 1913, p. 231).

Later, S. I. Viktorsky argued that “physical evidence means objects of the material world, certifying any circumstances that are subject to judicial investigation, i.e., certifying either the event of a crime, or the attitude of a well-known person to this event (his guilt or innocence)” (Viktorsky, 1916, p. 154).

Article 371 of the Charter of Criminal Procedure of November 24, 1864 recognized as physical evidence: 1) red-handed, 2) the weapon with which the crime was committed, 3) forged documents, 4) counterfeit coins, 5) bloody or damaged objects, and 6) in general, everything found during “inspection of a place, search or seizure and which can serve to detect a crime and to evidence of a criminal” (Kutsova, 1999, p. 122).

Commenting on Article 371 of the Charter I. Y. Foinitsky argued that “legislation, as it were, distinguishes from physical evidence the signs of a crime given by the area, the dead body, bodily injury, traces of violence and the state of health; but at the same time, it classifies as physical evidence anything that is in the act, and in particular forged documents, counterfeit coins, bloody or damaged objects, and in general everything found during an examination of a place, during a search or seizure and evidence of a criminal, so that in reality this difference turns out to be imaginary” (Foinitsky, 1996, p. 305).

In the Soviet criminal process, physical evidence was various objects (things), by examining and examining which, in the manner prescribed by law, facts related to the case and important for its proper resolution could be proved. According to Article 83 of the Code of Criminal Procedure of the RSFSR, these included items that were tools for committing a crime (for example, a knife that inflicted bodily injury on the victim) or

retained traces of a crime (for example, the murderer's bloodied clothes), or were the object of criminal acts (for example, forged documents). Physical evidence also included money, valuables and other things acquired by criminal means (Bazhanov, Groshevoy, 1983, p. 166).

Nowadays, characterizing physical evidence as any objects (objects) of the material world that have the characteristics or properties of evidence carriers, received and attached to a criminal case in the manner prescribed by law, it should be said that, according to the fair statement of P. A. Lupinskaya, they represent “material traces of a crime left on objects of the material world” (Lupinskaya, 1995, p. 183).

Identifying the concept of physical evidence with their material essence, Y. P. Borulenkov clarifies that physical evidence is “objects of the material world, which reflected traces of interaction with other material objects or a person” (Borulenkov, 2009, p. 17).

A similar position is expressed by V.G. Glebova and E.A. Zaitsev, according to whom physical evidence is understood as “a set of sources of evidentiary information, the main carrier of which are the objects of the material world” (Glebova, Zaitseva, 2006, p. 231).

However, these positions should be supplemented with the opinion that in cases where traces of a crime were found not in the minds of people, but on material carriers, and the information is established by the investigator or other official using the senses, and, if necessary, using technical means, this evidence is called material.

According to O. V. Savenko, “when traces of a crime were found not in the minds of people, but on material media, and the information is established by the investigator himself or another official with the help of the senses, and, if necessary, using technical means, this evidence is called material” (Savenko, 2014, p. 33).

This opinion is shared and developed by E. E. Goncharova, who points out that “not only people can be carriers of information, they can be things, objects, and protocols of investigative and judicial actions, other documents. Physical evidence is any information carried by objects that are directly relevant to the criminal case” (Goncharova, 2011, p. 65).

The essence of the concept of "physical evidence" is characterized by:

- the presence of properties and features of material objects, on the basis of which the subject of proof is established;
- the possibility of direct perception by the investigator (inquirer), the prosecutor and the court of these properties and features;

- procedural consolidation of factual data obtained from material objects;
- physical evidence is not any objects, but only those that have a connection with the actions related to the event under investigation.

An interesting point of view was once put forward by A. A. Eisman, who pointed out that “all evidence can be divided into messages coming from individuals (personal evidence) and physical evidence. Evidence is understood as information about facts included in the criminal case in the form of testimony, conclusions, documents, as well as items attached as physical evidence. At the same time, the concepts of source and fact are inseparably merged at physical evidence” (Eisman, 1967, p. 129).

At the same time, there were opponents of this theoretical position. In particular, V. Y. Dorokhov, criticizing this point of view, noted that “one cannot agree with this provision. Content and form are inherent in all things, processes and phenomena of the objective world. Including legal evidence. Forming a certain unity, they are interdependent, but never coincide, do not merge with each other” (Dorokhov, 1971, p. 109-110).

And here, speaking about the importance of developing a unified approach to the concept and essence of physical evidence in criminal procedure science and their role in the process of proving in the investigation of crimes, M. A. Kochkin, noting that “it is in the physical evidence that the circumstances of the case under consideration are reflected” (Dorokhov, 1971, p. 71).

We are also united with the position of M. A. Kochkina, since through the collection, thorough examination and inclusion of physical evidence in the criminal case, the investigator, the interrogating officer in the process of conducting a preliminary investigation, and the court (judge) in the course of considering the case on the merits, learns the true picture of the event and can make a reasonable, motivated and legal decision.

Physical evidence, depending on the specific investigative situation and the category of the committed criminal offense, can be extremely diverse objects of the surrounding world.

Traditionally, the most common types of physical evidence are:

- items that served as an instrument of crime, were equipment or other means of committing a crime;
- items on which traces of the crime have been preserved;
- items that were the object of a criminal encroachment on the part of the accused (suspect);

- money, property and valuables acquired illegally (Pushkarev et al., 2021, p. 395-406);
- other items that serve as a means of detecting a crime, establishing the circumstances of the committed criminally punishable act;
- documents containing information about the crime committed, which were the object of a criminal encroachment and recognized as physical evidence.

Thus, it can be argued that the current criminal procedure legislation, having updated the elemental composition and content of physical evidence, still does not provide us with a clear definition of them. At the same time, they confine themselves to listing the objects of the outside world that display information that serves as a means of establishing the circumstances of a criminal case (Vanyavin, 2009, p. 292).

In turn, the draft Code of Criminal Procedure of the Russian Federation, once submitted for consideration by deputies - members of the State Duma Committee on Legislation and Judicial-Legal Reform, in part 1 of Article 78 determined that “objects are recognized as physical evidence if there is reason to believe that they served as tools crimes, or retained the traces of a crime, or were the objects of criminal acts, as well as money and other valuables, and all other objects and documents that can serve as a means of detecting a crime, establishing the facts of the case, identifying those responsible or refuting charges or mitigating responsibility”.

The current version of Article 81 of the Criminal Procedure Code of the Russian Federation, as you know, also does not contain the concept of physical evidence, limiting itself only to listing the above objects that may act as such.

Turning to the question of the need to introduce the concept of physical evidence in the general part of the criminal procedure legislation, we turned to the employees of practical units with a question. So, to the question whether they consider it expedient to make additions to Article 5 of the Code of Criminal Procedure of the Russian Federation and formulate the concept of “physical evidence” in its general part, 87.9% of the respondents answered positively. At the same time, the interviewed employees, in most cases, also explained that this would bring some clarity to the understanding of this term, as one of the most common types of evidence in practice, and would allow for the correct approach to their collection, recording and examination during the preliminary investigation.

At the same time, it should also be noted that without detracting from the merits of other types of evidence, we are convinced of the special purpose of physical evidence in

the investigation of a specific crime, since they allow us to reproduce the true picture of what happened as accurately and accurately as possible and allow us to do this with the appropriate level of sufficiency, reliability and objectivity.

Furthermore, it seems to us necessary to consider the issue of modern presentation of the assessment of the sufficiency and reliability of physical evidence in pre-trial proceedings in criminal cases. Here it would be logical to assert that without such properties as relevance and admissibility, there is no physical evidence itself. However, if physical evidence exists but is unreliable or insufficient, then a procedural decision cannot be made. These properties of evidence ensure the adversarial nature of criminal proceedings, which is the most important principle of the criminal process that requires development at the stage of pre-trial proceedings (Pushkarev et al., 2020, p. 281-287). Thus, the requirements for physical evidence to substantiate procedural decisions are the reliability of physical evidence (their correspondence to the real circumstances of the crime committed) and the sufficiency of physical evidence (the amount of physical evidence necessary to form the internal conviction of the law enforcer) (Grigoryan, 2021, p. 148).

The admissibility of factual data as physical evidence should not be influenced by violations of criminal procedural norms that are not related to criminal procedural guarantees. So, for example, the investigator violated the requirements of part 3 of Article 166 of the Code of Criminal Procedure of the Russian Federation regarding the reflection in the search protocol during the seizure of physical evidence of the special rank of “senior police lieutenant” of such a participant in this investigative action as a specialist. This fact should not affect the decision of the question of the admissibility of the search protocol and the subsequent inclusion of the seized physical evidence in the materials of the criminal case, interfere with the process of compensation for harm caused by the crime (Nguyen et al., 2021, p. 211-220).

However, it should be noted that there are different points of view and interpretations on this issue in criminal procedure science. So, according to P. A. Lupinskaya, on the basis of evidence that was obtained in violation of the law, it is impossible to establish both accusatory and justifying circumstances. However, in itself, the recognition of the inadmissibility of a number of physical evidence, according to P.A. Lupinskaya, may use the defense to substantiate the conclusion about the violation of the law during the preliminary investigation, and this may cast doubt on the reliability of a particular physical evidence (Lupinskaya, 2002, p. 35).

The reflection of the fact of discovery of physical evidence, its examination and its

inclusion in the criminal case ensure the admissibility of physical evidence. Documents drawn up by an official of the preliminary investigation body in the course of these procedural actions make it possible to fix and preserve the features of the object that are of probative value, as well as to verify the origin of the physical evidence, and therefore the reliability of the information contained in it, to verify the authenticity of the physical evidence. Violation of the procedure for detecting and securing physical evidence may cause irremovable doubts about its suitability to serve as a means of adequately reflecting a crime. For example, if the clothes of the victim and the suspect were not properly packed immediately upon their seizure during the search or seizure, then the traces (microparticles) of their imposition cannot be considered as evidence of physical contact between the victim and the suspect.

Thus, the procedure for obtaining and fixing physical evidence in the materials of a criminal case is the most important condition for the admissibility of using this evidence when considering a criminal case on the merits by the court.

The indication that each evidence must have three mandatory features – relevance, admissibility, reliability, must be understood as a condition under which, in the absence of any property of the evidence, there is no evidence itself. The indicated signs of evidence, of course, also apply to such varieties as physical evidence and are determined in the process of criminal procedural proof. The procedural decisions taken in the criminal case under investigation are based on the collected information about the facts, verified and evaluated in terms of their relevance, admissibility and reliability, and state the presence or absence of the circumstances of the subject of proof. Only in the case of a positive assessment of the relevance, reliability, admissibility of information about facts and their procedural form, it is possible to state the presence of physical evidence for the process of criminal procedural proof.

In order to assess the reliability of evidence, including physical evidence, there are no specific criteria. Here, the personal inner convictions of the investigator, interrogator, prosecutor and court play a role, which are formed while observing the collection and verification of evidence by all legal means. So, according to A. V. Smirnov, which we fully share the conclusion about whether any physical evidence is reliable or not, is possible when comparing it with other evidence in a criminal case. Only the totality of all evidence leads to the correct one (Smirnov, Kalinovsky, 2014, p. 251).

It is worth noting that the assessment of the sufficiency of all evidence, including physical evidence, is necessary not only at the final stage of pre-trial proceedings and the

issuance of a final procedural decision in a criminal case. It is no less important in matters of involving a person as an accused, choosing a measure of restraint and other procedural decisions in the course of pre-trial proceedings. Thus, when evaluating the entire body of physical evidence, along with all other evidence collected in the course of the preliminary investigation, it is necessary to give an account for the adoption of which specific procedural decision and at what stage of pre-trial proceedings in a criminal case, physical evidence is assessed.

The assessment of the sufficiency of physical evidence also depends on the requirements specified by law for certain circumstances to be established during the preliminary investigation. Some procedural decisions can be made with a sufficient amount of the totality of all collected evidence, including physical evidence, to formulate a preliminary conclusion in a criminal case, giving reason to believe that specific circumstances have been proven. Other procedural decisions assess the sufficiency of the totality of evidence, including physical evidence, depending on the emerging conviction that the factual circumstances have undoubtedly been proven. The basis of the rules of evidentiary activity of officials and state bodies carrying out criminal prosecution is the principle of the presumption of innocence. He interprets that proving guilt is within the competence of the accuser, and if he has doubts, they are interpreted in favor of the accused (Grinenko, 2001, p. 271).

In practice, this means that all evidence is recognized as sufficient (not quantitatively, but in content) to deliver a guilty verdict when they convince the court that the accused is proven guilty.

In the absence of a refutation of the arguments or evidence of the defense and the presence of irremovable doubts about the guilt of the accused in its original form, it is necessary to issue an acquittal or change the charge in favor of the accused.

The sufficiency of evidence, including physical evidence, is assessed regardless of the level of knowledge. The fundamental basis for assessing the sufficiency of the entire set of evidence collected lies in the internal conviction formed by a person who impartially, despite someone's opinions, evaluates all evidence, regardless of their classification (material, personal, etc.).

In conclusion, it seems reasonable to say that physical evidence, like all other types of evidence, is not such if it does not have the required features – relevance, admissibility, reliability.

5. CONCLUSIONS

As a result of the study of the historical digression of the formation and development of the institute of physical evidence in the Russian criminal process, the authors substantiated the following conclusions and proposals.

In order to develop a unified approach to understanding the essence of physical evidence, it is proposed to amend the current criminal procedure law. In particular, it is proposed to supplement Article 5 of the Criminal Procedure Code of the Russian Federation with paragraph 5.1), which should be stated as follows: "Evidence is any information carried by objects that are directly relevant to the criminal case under investigation, which can serve as a means of detecting a crime, establishing factual circumstances of the case, identifying the perpetrators or refuting the accusation or mitigating liability, as well as protocols of operational-search measures, investigative actions and court hearings if they are recognized as such in the manner prescribed by this Code".

It is substantiated that the requirements for physical evidence to substantiate procedural decisions are the reliability of physical evidence, which is manifested in accordance with their real circumstances of the committed criminal offense and the sufficiency of physical evidence, that is, the amount of physical evidence necessary for the formation of the internal conviction of the law enforcer in a particular criminal case.

REFERENCES

- Alekseev, N.S., Lukashevich, V.Z. (1989). Evidence in criminal proceedings. General questions of the doctrine of evidence. The Soviet Criminal Trial. Leningrad: Leningrad University Press.
- Bazhanov, M.I., Groshevoy, Yu.M. (1983). Soviet criminal trial. Kiev: Vischa school.
- Borulenkov, Yu.P. (2009). Specificity of material evidence. Criminal proceedings, 7, 18.
- Dorokhov, V.Ya. (1971). The nature of material evidence. Soviet State and law, 10.
- Eisman, A.A. (1967). Expert opinion. Structure and scientific justification. Moscow: Yuridicheskaya Literatura.
- Foynitsky, I.Ya. (1996). Course of criminal proceedings. St. Petersburg: Alfa.
- Glebova, V.G., Zaitseva, E.A. (2006). Criminal process. Volgograd: Publishing house of the Volgograd State University.
- Goncharova, E.E. (2011). The problem of the concept of "material evidence", In: International scientific and practical conference "Crime in the CIS: problems of prevention and disclosure of crimes": collection of materials. Voronezh: Voronezh Institute of the Ministry of Internal Affairs of Russia.

- Grigoryan, T.A. (2021). Formation and development of the institute of evidence in the Russian criminal process. *Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia*, 1.
- Grinenko, A.V. (2001). The system of principles of criminal procedure and its implementation at the pre-trial stages: diss. ... doct. jurid. sciences'. Voronezh.
- Khudyakova, Yu.V. (2006). Material evidence in criminal proceedings: diss. ... cand. jurid. sciences'. Chelyabinsk.
- Kochkina, M.A. (2015). Assessment of the sufficiency of evidence at the stage of completion of the preliminary investigation in a criminal case: diss. ... cand. jurid. sciences'. Moscow.
- Kravchenko, M.E. (2017). The admissibility of material evidence in criminal proceedings: abstract. ... cand. jurid. sciences'. Krasnodar.
- Kutsova, E.F. (1999). Textbook on the criminal process of Russia. Moscow: Gorodets.
- Lupinskaya, P.A. (1995). Criminal proceedings. Moscow: Jurist.
- Lupinskaya, P.A. (2002). Grounds and procedure for making decisions on the admissibility of evidence. *Russian Justice*, 4.
- Maslov, A.K. (2011). Registration of objects, things and other documents as evidence in criminal cases : autoref. diss. ... cand. jurid. sciences'. Krasnodar.
- Nguyen, T.V., Pushkarev, V.V., Tokareva, E.V., Makeev, A.V., Shepeleva, O.R. (2021). Compensation for Damage Caused by a Crime in the Socialist Republic of Vietnam and the Russian Federation. *Jurnal Cita Hukum*, 9(2), 211–220. <https://doi.org/10.15408/jch.v9i2.21738>
- Pastukhov, P.S. (2015). Modernization of criminal procedural evidence in the conditions of the information society: abstract. diss. ... doct. jurid. sciences'. Moscow.
- Pilyugin, N.N. (2006). Proving at the stage of preliminary investigation under the Criminal Procedure Code of the Russian Federation : diss. ... cand. jurid. sciences'. Moscow.
- Pobedkin, A.V. (1998). Testimony of the accused in the criminal process: diss. ... cand. jurid. sciences'. Moscow.
- Popova, N.A. (2007). Material evidence: collecting, presenting and using them in proving: diss. ... cand. jurid. sciences'. Saratov.
- Pozdnyshev, S.V. (1913). Elementary textbook of the Russian criminal process. Moscow: G.A. Leman.
- Profatilova, N.V. (2008). Investigator's assessment of the sufficiency of evidence when making basic procedural decisions on criminal cases subsequently sent to court: diss. ... cand. jurid. sciences'. Moscow.
- Pushkarev, V. V., Poselskaya, L. N., Skachko, A. V., Tarasov, A. V., & Mutaliev, L. S. (2021). Criminal Prosecution of Persons Who Have Committed Crimes in The Banking Sector. *Cuestiones Políticas*, 39(69), 395-406. <https://doi.org/10.46398/cuestpol.3969.25>

Pushkarev, V. V., Trishkina, E. A., Tokareva, E. V., Cuong, B. T., & Shepeleva, O. R. (2020). The Adversarial Approach in the Pre-trial Phase of Prosecution. *Cuestiones Políticas*, 37(65), 281-287.

Pushkarev, V.V., Skachko, A.V., Gaevoy, A.I., Vasyukov, V.F., Alimamedov, E.N. (2022). Managing The Investigation of Cryptocurrency Crimes in The Russian Federation. *Revista Electrónica de Investigación en Ciencias Económicas*, 10(19), 111-125.

Savenko, O.V. (2014). Protocols of investigative actions and court session as evidence in a criminal case: diss. ... cand. jurid. Sciences. Moscow.

Smirnov, A.V., Kalinovsky, K.B. (2014). *Criminal process*. Moscow: Piter.

Vanyavin, D.V. (2009). The history of the development and formation of the institute of material evidence in the criminal process of Russia. *Actual problems of Russian law*, 2.

Viktorsky, S.I. (1916). *Russian criminal trial*. Moscow: Editorial of A.A. Kartseva.