

Summary

The year: 2019.

Specialty / field of study (code and full name): 40.03.01-Law

Level of study: bachelor's degree.

Institute or Higher school: Law University.

Department of criminal law disciplines and forensic expertise

The subject of the final qualifying work: "Criminal prosecution, its types".

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The relevance of the research topic: the article is based on the need for a theoretical understanding of the concept of "criminal prosecution" introduced in the Criminal procedure code of 2001. This concept is not new for the domestic criminal procedure, since it was first mentioned in the Statute of criminal proceedings of 1864, and later used in the normative legal acts of the Soviet state. However, with the adoption of the code of criminal procedure of the RSFSR in 1960, the concept of "criminal prosecution" was excluded by the legislator, and the relevant rules were associated with the conduct and termination of criminal proceedings against the accused or suspect. Therefore, the revival of both scientific and practical interest in the concept under consideration is natural.

The term "criminal prosecution" allowed the law to reflect many aspects of the natural law approach, since they convey the relationship between the state and the individual involved in criminal proceedings in connection with the suspicion of committing a socially dangerous act and limited in inalienable, inalienable rights due to state necessity.

At the same time, the mechanism for introducing the concept of "criminal prosecution" in the criminal procedure code of the Russian Federation has not yet been debugged. The problems of ensuring the precise and uniform application of the law, eliminating the possibility of double interpretation of certain norms and identified legal gaps related to the concept of "criminal prosecution" are also addressed.

In our opinion, the legislative regulation of criminal prosecution should be based on the priority of the rights and freedoms of the individual involved in criminal proceedings over the interests of the state in detecting and investigating any crime as soon as possible. Thus, the criminal procedure code of the Russian Federation still does not regulate certain issues of the procedure for initiating, implementing and terminating criminal prosecution.

All of the above justifies the relevance of the topic of the final qualification work and requires a deep, comprehensive legal

analysis of the legal nature and significance of criminal prosecution in Russian criminal proceedings.

The degree of scientific development of the topic. The science of criminal procedure law has long been interested in problems related to criminal prosecution. A significant number of monographs, textbooks, and scientific articles have been written on this topic.

In the pre-revolutionary legal literature, the concept of "criminal prosecution" was studied by such famous procedural scientists as S. I. Viktorsky, N. V. Muravyov, V. K. Sluchevsky, S. V. Poznyshev, I. ya. Foyntsky, and others.

During the Soviet period, aspects of criminal prosecution were analyzed in the works of A. M. Larin, A. R. Mikhailenko, N. N. Polyansky, M. S. Strogovich, M. A. Cheltsov, P. S. Elkind and a number of other scientists.

At the present stage, the Institute of criminal prosecution is developed in the works of L. V. Golovko, R. V. Mazyuk, A. P. Ryzhakov, E. V. Selina, A.V. Smirnov, A. B. Solovyov, V. Yu. Stelmakh, V. E. Shmanatova, and others.

However, despite the many scientific papers devoted to the problem under study, it should be noted that a number of issues related, in particular, to the definition of the legal nature of the institution of criminal prosecution in modern criminal proceedings, with a formal and logical analysis of the legislative definition of criminal prosecution, as well as some other issues remain insufficiently studied.

The object of the final qualification work is the criminal procedure relations that arise between participants in criminal proceedings.

The subject of the research is the legal norms regulating the procedure for criminal prosecution in Russian criminal proceedings.

The purpose of the final qualification work is to conduct a comprehensive study of the Institute of criminal prosecution based on the norms of international and domestic criminal procedure law, as well as to develop proposals for improving the legislation regulating the procedural activities of the prosecution in Russian criminal proceedings.

To achieve this goal, the following tasks are formulated:

- definition of the concept and legal nature of criminal prosecution;
- consideration of questions of the beginning and termination of criminal prosecution;
- analysis of the content of criminal prosecution cases;
- formulation of specific proposals to improve the criminal procedure legislation regulating certain aspects of criminal prosecution.

The methodological basis of the research is the dialectical method of cognition, the method of analysis and synthesis, as well as historical, comparative, sociological, system and other General scientific research methods. The legal problems of the work determined the use of formal-logical, comparative-legal and other methods. Since a significant place in the work is occupied by the study of judicial practice, the method of specific social and legal research is used.

The theoretical basis of the research is fundamental scientific works on the General theory of law, criminal procedure, criminal law, and the judicial system. The paper theoretically uses the achievements of scientific thought of the past centuries and the present of Russian authors.

The normative basis of the study is the international and Russian legislation regulating the institution of criminal prosecution.

The theoretical and practical significance of the research is that the work is a comprehensive study of the legal nature and concept of the institution of criminal prosecution. The provisions formulated in this final qualification work can serve as a basis for constructive scientific discussion and further research of the problem under consideration.

The conclusions and recommendations contained in this paper form new aspects of the scientific development of proposals for improving certain norms that form the institution of criminal prosecution.

The structure of the final qualifying work includes an introduction, two chapters consisting of four paragraphs, a conclusion, and a list of sources used.