

SUMMARY

The year: 2020.

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

Keywords: special judicial procedure, criminal procedure, legal institute, court decision.

Topic of the graduate qualification research: Special judicial procedure.

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Awarding Authority: Pyatigorsk State University

Topicality of the research: The special judicial procedure as the legal institution exists for a relatively short period. In General, criminal procedure in Russia has been developing for a long time, but neither the pre-Soviet period of its development nor the Soviet period knew such form of legal proceedings. This new form of legal proceedings in the first instance court appeared only with the adoption of the Criminal Procedure Code of the Russian Federation.

Therefore, 65.2% of criminal cases where it was possible to apply a special order were considered by this way in 2018. However, this practice has been criticized as a source of prosecutorial bias. A bill, that restricts the use of a special procedure for judicial proceedings has been passed at the first reading by in State Duma of the Federal Assembly of the Russian Federation on February 20, 2020.

The purpose of the research: comprehensive and complex study of legal institution of special judicial procedure in relation to the main criminal procedure categories and institutions.

Objective:

1. to review the institution of a special judicial procedure and similar legal institutions in the history of the state and law of Russia;
2. to reveal the concept of a special judicial procedure;
3. to analyze the grounds and conditions of applying a special procedure for making a court decision if the accused agrees with the charge against him;
4. to determine the procedure of applying for a sentence without conducting a proceeding per standard procedure;
5. to give a general description of the conduct of proceeding at the request of the defendant for the resolution of the sentence per standard procedure;
6. to identify problems of legal regulation of special judicial procedure;
7. to make a comparative analysis of the content of Chapter 40 and Chapter 40.1 of the Criminal Procedure Code of the Russian Federation, and of the problems of their application.

The theoretical and practical significance of the research Theoretical significance lies in the review of new problems of a special judicial procedure that make up subject to further research, as well as in the characterization of the

phenomena of reality that form the basis of practical actions in a particular area. In practice, the results of the study can be accepted for study by employees of the inquiry and preliminary investigation Department of the Ministry of internal Affairs of Russia in the city of Pyatigorsk.

Results of the research:

As a result of the research we came to the conclusion that the special judicial procedure as an institution in Russia has been exist for a relatively short time, although, in general criminal law in the country has been developing quite a long period of time.

A special procedure for making a court decision when the accused agrees with the charge against him, despite criticism from some scientists and a considerable number of proposals for improving this legal institution, is quite popular in practice.

The procedure of consideration of criminal cases in special judicial proceeding really speeds up the review of cases in a shorter period of time than established by the Criminal Procedure Codewhat are the parties interested in.

In addition, the existence of the institution of a special judicial proceeding in criminal proceedings is an exceptional phenomenon, since the existence of such a legal structure entails a transformation or even deformation of the model of criminal proceedings in Russia that has been established for a considerable period. It is quite obvious that a significant revision of the legislation on special procedure is required, aimed primarily at harmonizing it with the General principles and provisions of criminal justice in the Russian Federation. Thus, it seems necessary to distinguish in the text of the law a sentence passed in a special order from a sentence passed in a general order.

In addition, the question of whether it is possible to determine the authority for the court to examine all the evidence in the case within the framework of a special procedure needs further reflection, since, on the one hand, this corresponds to the general spirit of the criminal process, and on the other hand, it contradicts the very idea of a special order.

A number of procedural provisions related to the appeal of the investigator's decision to refuse to grant a request for a pre-trial agreement; the possibility of the victim withdrawing his consent to the application of a special procedure during the consideration of the case; and a number of other purely practical provisions that directly affect the situation of participants in criminal proceedings.