

## 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

**The subject of the final qualifying work:** " House arrest as a preventive measure in criminal proceedings".

**Author:** Davydov Garik Araratovich, 4 courses of Criminal law profile-311-16.

**Scientific supervisor:** candidate of legal Sciences, associate Professor of the Department of criminal law disciplines and forensic expertise Selezneva Natalia Mikhailovna.

**The relevance of the research topic.** The Constitution of the Russian Federation has recognized the highest value of our society as human rights and freedoms, the observance and protection of which is the responsibility of the state. In this regard, one of the purposes of criminal proceedings is to protect individuals from illegal and unjustified restrictions on their rights and freedoms. The code of criminal procedure of the Russian Federation, which came into force in its main part on July 1, 2002, in the thirteenth Chapter provided for a relatively new system of preventive measures, including a recognizance not to leave, personal guarantee, supervision of the command of a military unit, supervision of a minor suspect or accused, bail, house arrest and detention. Despite many contradictions, in the above-mentioned system was included house arrest, which was not provided UPK RSFSR of 1960, however, known to the Russian process, since the code of laws of 1832, and subsequently of the criminal procedure code of the RSFSR 1922 and 1923.

The inclusion of house arrest as an alternative to incarceration in the system of preventive measures is a direct manifestation of the humanization of criminal policy. However, despite the fact that house arrest was included in the system of preventive measures and enshrined in article 107 of the code of criminal procedure of the Russian Federation, an analysis of the norms of criminal procedure legislation regulating this measure of restraint shows that the mechanism for selecting and applying this measure of procedural coercion is not fully developed. Despite the long-term enforcement of the criminal procedure code of Russia, to date, the law does not define the bodies and officials who should be charged with overseeing the observance of restrictions and prohibitions that are subject to the accused (suspect) under house arrest. At present, there is no specific mechanism for implementing the legal restrictions imposed during house arrest, which has yet to be created by issuing relevant rulemaking acts. Many issues related to the practical application of house arrest remain unresolved and problematic, which is largely due to the improper legal regulation of this preventive measure.

**Objective:** to study house arrest as a preventive measure in the Russian criminal process and to develop recommendations and suggestions for improving the theory and practice of applying this preventive measure based on the results obtained.

**Objectives:** to study the concept and role of preventive measures in criminal proceedings; to study peculiarities of application of the preventive measure in the form of home arrest; to define the modern possibilities of increasing the effectiveness of the application of a preventive measure in the form of home arrest; to reveal problems of application of measures of restraint in the form of house arrest against a minor; to explore the judicial control over the use of house arrest.

The theoretical and practical significance of the research is determined by the purpose, objectives, object and subject of the research. It is assumed that the theoretical insights about the historical Genesis of a measure of restraint in the form of home arrest in criminal procedure of Russia, of the grounds and conditions for the election of house arrest, to extend this preventive measure, modify and monitor compliance with court in the formation of the doctrine of the measures of procedural coercion and, in particular, on the measure of restraint in form of house arrest. The practical significance of the study is determined by the fact that proposals for improving the current legislation can be taken into account in legislative activities.

#### Research result

1. the Procedural institution of preventive measures is quite extensive and the current Criminal procedure code of the Russian Federation has added such a new preventive measure as house arrest.
2. initially, house arrest was considered by the legislator, first of all, as a restriction on the freedom of movement of the accused or suspect with the imposition of certain prohibitions, namely, a ban on communication with specific persons, as well as a ban on sending and receiving correspondence and conducting negotiations using any means of communication.
3. the Basic principles of applying house arrest as a preventive measure were equated with the principles of choosing a preventive measure in the form of detention.

#### Recommendations

- concerning a minor suspect or accused it is possible to provide a kind of home arrest, when a teenager will not be "dwelling in which he resides as an owner, tenant or on other legal grounds", and to special educational institution of closed type of educational authorities. We believe that such a measure of compulsion requires legal regulation by the norm of the criminal procedure law, and the system of preventive measures requires the addition of another measure applied to this category of persons- " placement of a minor suspect or accused in a special educational institution of a closed type of the educational management body";
- the role of judicial control over the application of preventive measures in the form of house arrest and detention is to verify the legality and validity of decisions (actions) of the criminal prosecution authorities. In this regard, the proposals made to expand the boundaries of judicial control when considering the request of an investigator (inquirer) for the election of a preventive measure in the form of detention are aimed at improving the mechanism for monitoring both the observance of the rights of suspects (accused) and the validity of materials submitted to the court by the investigation bodies for the election of preventive measures.