



Classification of Circumstances that Contributed to the Commission of a Crime in the Legislation of the Russian Federation *

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Abstract

In the article, the authors consider the most pressing issues related to the classification of circumstances that contributed to the commission of a crime in Russian legislation. It is established that the factors that make it possible to classify the above circumstances are: the identity of the suspect (accused); the living conditions and upbringing of the person who committed the crime; the circle of communication of the person who committed the crime; the circumstances of the origin of criminal intent; the circumstances that made it possible to achieve criminal goals; circumstances of an objective nature, the totality of which allows you to commit a specific crime; the absence of preventive measures and preventive work in the presence of appropriate conditions. The authors substantiate the position that the considered factors, according to which the classification of the circumstances under study was carried out, are conditional and are not exhaustive in their essence. At the same time, the classification of the circumstances under consideration by the authors allows the head of the investigative body and the investigator to correctly and competently plan their daily activities aimed at identifying, proving and eliminating them. In conclusion, the authors conclude that the classification of circumstances that contributed to the commission of a crime is necessary to build an algorithm of actions to identify, prove and eliminate them at all stages of pre-trial proceedings in criminal cases. Only when all three dominants are achieved (identification, proof, elimination) will the goals of criminal proceedings be achieved.

Keywords: Head of the Investigative Body; Investigator; Pre-Trial Proceedings; Identification; Proof.

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A. INTRODUCTION

The classification of circumstances that contributed to the commission of a crime is of the most important importance in the daily activities of heads of investigative bodies and investigators ([Gurinovich & Petrykina, 2021](#)), as it allows them to adjust their crime prevention activities, draw the attention of other departments and services of internal affairs bodies when solving operational and official tasks to the relevance of the preventive aspect of their work ([Chirkov et al. 2022](#)). Given the authoritative nature of the submissions made by the heads of investigative bodies and investigators ([Afanasyev, 2019](#)), it should also be emphasized the possibility of monitoring the fulfillment of these requirements to eliminate the causes and conditions of crimes by state bodies, organizations ([Sultanova et al. 2023](#)), institutions, enterprises, officials and citizens to whom they are addressed (Part 2 of Article 158 of the Code of Criminal Procedure of the Russian Federation. ([State Duma of the Federal Assembly of the Russian Federation, 2001](#)))

It is clear that our classification of these circumstances will allow us to improve the activities of the head of the investigative body and the investigator in identifying, proving and, as a result, eliminating them, which will increase the effectiveness of preventive activities in general. Moreover, the absolute majority of respondents surveyed by us from among the specified participants in the criminal process (97.3%) replied that these circumstances need a detailed classification.

B. METHODS

As the main method in the process of writing this scientific article, the authors used the general scientific systematic method of cognition, which made it possible to comprehensively consider and fully classify the circumstances that contributed to the commission of the crime. A formal logical method consisting in the analysis of the essence and content of the circumstances that contributed to the commission of the crime. The historical and legal method made it possible to study the genesis and legal nature of the circumstances that contributed to the commission of the crime for their subsequent classification. The specific sociological method used in the survey of heads of investigative bodies and investigators allowed us to develop ways to improve law enforcement practice in identifying and eliminating circumstances that contributed to the commission of a crime in pre-trial criminal proceedings.

The methods of analysis and synthesis made it possible to identify existing problems in the law enforcement practice of investigative bodies in identifying and eliminating circumstances that contributed to the commission of a crime in pre-trial criminal proceedings. The use of the formal legal method made it possible to classify the circumstances that contributed to the commission of a crime, depending on specific factors of objective reality.

C. RESULTS AND DISCUSSION

Speaking about the classification of the circumstances we are studying, it should be emphasized that it is important not only from the point of view of criminal procedural aspects, but also criminological and criminalistics components. It is obvious that it is seen to consider classification issues in this aspect exclusively in a comprehensive research format, which will allow us to study in full, as well as make informed conclusions and suggestions.

A number of process scientists propose to classify these circumstances on various grounds. At the same time, each determines the content of a specific fact, which was the precursor of a criminal offense committed ([Kudryavtsev, 1964, p. 11](#); [Minkovsky et al., 1962, pp. 13-14](#); [Shlyapochnikov, 1964, pp. 97-98](#)). Supporting this position, we list such factors as: the identity of the suspect (accused); the living conditions and upbringing of the person who committed the crime; the circle of communication of the person who committed the crime; the circumstances of the origin of criminal intent; circumstances that made it possible to achieve criminal goals; circumstances of an objective nature, the totality of which allows you to commit a specific crime; the lack of preventive measures and preventive work in the presence of appropriate conditions.

The conducted survey of employees of investigative departments showed that the majority of them (92.6% of respondents) support the factors grouped by us that allow us to fully classify the circumstances contributing to the commission of a crime. At the same time, we emphasize that the above list is not exhaustive and during the investigation of a specific criminal offense, other circumstances that led to the onset of negative consequences can also be identified, proven and eliminated. Further, we consider it necessary and in demand to classify the circumstances we are studying depending on the above factors. The identity of the suspect (accused). Speaking about the identity of the criminal, it is necessary to point out, first of all, the criminological and criminalistics aspects.

The criminological aspect lies in the fact that each individual has distorted needs, interests, goals, motives, not instilled moral values and legal awareness at

the genetic level, as well as distorted needs, interests, goals, motives, not instilled moral values and legal awareness, the combination of which sooner or later will lead him to commit a specific crime, depending on the level of distortion of consciousness (selfish, violent, economic tax, in the field of arms trafficking, in the field of drug trafficking, in the field of information and telecommunication technologies, etc.). The criminalistics study of the criminal's personality should be primarily focused on the personality as a carrier of socio-psychological characteristics expressed in its criminalistically significant behavioral reactions reflected in the specific conditions of a criminal event and determining the specifics of criminal procedural activity. ([Akhmedshin, 2006, p. 4](#); [Hong et al., 2020](#))

Let us supplement the above point of view with the opinion that from a forensic perspective, the study of the criminal's personality is of important preventive importance, since the establishment of all connections and events related to the criminal's personality will allow us to promptly take measures aimed at preventing criminal actions in the future.

The living conditions and upbringing of the person who committed the crime. Here it seems logical to highlight the conditions of moral formation and socialization of a personality, among which we identify the following: the absence or insufficient family upbringing of children, neglect and connivance on the part of parents, as well as their lack of general and pedagogical culture; the negative influence of the immediate household environment (scandals, quarrels, fights, profanity); shortcomings of educational work in educational institutions educational institutions (schools, colleges, higher educational institutions) and in collectives at the place of work; unfavorable factors of the material order (insufficient financial security of the family, unsatisfactory living conditions).

The studied criminal cases allowed us to conclude that in the absolute majority of cases, investigators consciously approach the study of the living conditions and upbringing of the individual we are considering. In criminal cases, testifying to the study of this aspect, the following documents were available: interrogations of the parents (relatives) of the suspect (accused) – 92.6%; interrogations of teachers, teachers, employees of guardianship and guardianship authorities, commissions for minors – 67.9%; requests and responses for obtaining characteristics from the place of work, study – 95.5 %; certificates on the records of neurological and neuropsychiatric dispensaries – 87.9%; certificates on the facts of bringing to administrative or criminal responsibility – 99.6%; information on the income of the suspect (accused) and his family members – 56.3%; conclusions of psychiatric, complex psychological

and psychiatric or narcological examinations – 47.8%; other documents (certificates, sheets of temporary disability, characteristics, copies of court verdicts, extracts, etc.) – 87.5%. The question of the need for a detailed classification of the circumstances under study was also positively answered by the absolute majority of respondents – 94.2%.

All of the above is clearly practical in the activities of the head of the investigative body and the investigator to identify, prove and eliminate the circumstances under study, which once again underlines the importance of the issue raised ([Pushkarev et al., 2019a, 2020a, 2021](#)). We emphasize that the conditions under consideration, which may become circumstances that contributed to the commission of a crime, must definitely be identified, proven and eliminated in all criminal cases.

The circle of communication plays a significant role in shaping an individual's sense of justice and behavior. A person's education comes from three sources: family, school, and personal experience. While a criminal's social circle is often assumed to have a criminal influence, this is not always the case. According to a survey of investigative department employees, 72.3% of respondents stated that suspects often had a criminally inclined social circle, but not always. This suggests that personal motives, rather than social influences, can drive criminal behavior. Crimes such as those against life, health, and sexual integrity often stem from personal motives like greed, jealousy, envy, enmity, unresolved resentments, or sexual deviations. Such crimes are frequently committed by individuals known as "lone criminals of a hidden type," whose actions are influenced by their inner motives rather than external social factors.

It should be noted that, according to the fair opinion of V.E. Eminov and Yu.M. Antonyan, a person is not born a personality, but becomes one only in the course of his social life, therefore, personality formation is impossible outside of society. Consequently, a person is not born a criminal, but becomes one as a result of an unfavorable moral formation of his personality. ([Eminov & Antonyan, 2015, pp. 107-108](#))

Let us supplement this position with the thesis that the indicated unfavorable moral formation of a person largely depends on his circle of communication. Provided that the person correctly perceives the fact that he has fallen into an environment with criminal overtones, the individual himself must understand this in time, realize the possible consequences and take measures to radically change the situation. Although in practice, a person often does not take any action to change his circle of communication, since he has already formed a stable antisocial position and the foundations of illegal behavior.

The circumstances of the origin of criminal intent. These circumstances include specific external factors that prompted a person to commit an act and led to the formation of a "specific criminal intent" ([Minkovsky et al., 1962, p. 14](#)). Note the fact that most crimes are committed intentionally, then the specified circumstances include the meaning of "consciousness", i.e. the offense was committed by a person consciously. It is logical to emphasize that these circumstances are the fruit of the volitional and conscious behavior of the suspect (accused). It should also be said that the goals pursued by the criminal are of a pronounced antisocial nature.

So, most often the goals may be the thirst for easy money, taking possession of other people's property and money, harming personal health, causing moral harm or harm to business reputation, harming property ([Van Tien et al., 2021](#)), disorganization of the functioning of public authorities, local governments, tax evasion, evasion from compulsory military service services, etc. At the same time, it is also important to remember that the goals of specific crimes are inextricably linked to the object of the attack. When committing a robbery, there may be more than one goal, and it is expressed both in the thirst for easy profit and in causing harm dangerous to the life and health of the victim. The person conducting criminal prosecution should pay great importance during the preliminary investigation to the establishment of the true goals of the committed act, since this directly affects the qualifications and the court's imposition of a total lawful and fair punishment to the defendant.

Establishing the true objectives of the crime is also of great importance in terms of the effectiveness of work aimed at preventing the commission of similar crimes in the future.

Circumstances that made it possible to achieve criminal goals. Studying this type of classification, we note that these circumstances include conditions that made it possible to realize the intent of the perpetrator, facilitated the commission of an illegal act, served as a reason for its commission, and also contributed to the onset of more serious consequences. In this context, V.N. Kudryavtsev ([1964, p. 18](#)) is right, who says that this group of circumstances is connected not so much with the subject as with the object of criminal encroachment. At the same time, it should be noted that these circumstances are easier to identify and eliminate than the above-mentioned negative conditions of moral formation of a personality.

In more detail, among the above circumstances, the following can be distinguished:

First. Shortcomings in the activities of public authorities and local governments related to the lack of effective measures aimed at combating corruption and bribery. It is logical that the above circumstances negatively affect the process of managerial administrative and economic activities of the listed bodies and their officials, as they often lead to the commission of disciplinary offenses, administrative offenses and criminally punishable acts.

Second. Here it is necessary to point out the circumstances that resulted from the commission of a crime due to the negligent attitude towards them on the part of responsible officials. In particular, we will point out the facts of negligent attitude to their duties on the part of authorized officials, who, according to approved job descriptions, are financially responsible persons and are obliged to be responsible for the safety of the property entrusted to them.

The head of the structural unit determines the responsible person who will be responsible for the safety of fixed assets and inventory items. The employee, identified by the head, checks in his job descriptions the existence of duties related to the performance of work on the storage, accounting, vacation (issuance) of material assets in the department, ensuring the safety of property entrusted by the employer. It should also be noted here that the movement of fixed assets and inventory items is possible only in the following cases: actual transfer of property to another financially responsible person; transfer of a financially responsible person to another division; reorganization (liquidation) of a division; transfer of property of a financially responsible person to another division; dismissal, going on parental leave.

The third, It is necessary to highlight such common shortcomings as a low level of control and audit work, shortcomings in the protection of material assets, and the absence of departmental security units.

The Fourth, It should not be forgotten that the circumstances that made it possible to achieve criminal goals include facts indicating the absence of concepts, strategies, roadmaps aimed at preventing crimes in various sectors of life and particularly susceptible to antisocial manifestations (airports, train stations, subways, fuel and energy complex enterprises, organizations, ensuring the fulfillment of the state defense order, forest and water resources, etc.).

Circumstances of an objective nature, the totality of which allows you to commit a specific crime. A number of scientists correlate these circumstances (Inshakov, 2005, p. 74; Selivanov, 1990, p. 41) with specific types of criminally punishable acts. Speaking about such currently relevant crimes committed in the

field of information and telecommunication technologies ([Pushkarev et al. 2019b](#)), the objective reasons for their commission are:

- Insufficiently effective interaction of the investigator with units engaged in operational investigative activities in this area at the stage of their pre-investigation checks for timely study of materials and organization of measures to establish the circumstances of the committed act, so that after the initiation of a criminal case, the investigation does not spend additional time collecting these data, but has the opportunity to take effective measures to eliminate them;

- The work on the detection of crimes in the "hot pursuit" and the detention of persons who committed a crime at the place of its commission has not been sufficiently intensified;

- The joint plans for the implementation of operational materials and the investigation of criminal cases do not specify specific measures aimed at identifying and proving the circumstances that caused the commission of these crimes;

- Requests are not sent in a timely manner to Rosreestr, Rosfinmonitoring, the Traffic Police of the Ministry of Internal Affairs of Russia, the Pension Fund of Russia, the Federal Tax Service of Russia, banking institutions, mobile operators, etc.;

- The movement of stolen funds through settlement accounts, fictitious organizations is not properly ensured, the identification of the final recipients of the stolen, as well as specific persons who are beneficiaries of transactions made with funds;

- Modern information databases (insurance companies, credit bureaus, etc.) are not used everywhere;

- Information contained in the accounts (suspects, accused) of social networks (Odnoklassniki, VKontakte, Drive2, Facebook, etc.) is not effectively collected and analyzed.;

- Low digital literacy and information hygiene of the population, which are primarily associated with an insufficient level of propaganda and preventive measures carried out by authorized bodies and officials responsible for countering the commission of crimes in the field of information and telecommunication technologies. An example is the provision of personal data by users to a wide range of people, which became possible by posting these data on social networks, messengers, various electronic platforms and other services.

The above actions lead to the fact that the attackers subsequently contact the potential victim and, using methods of "social engineering", commit illegal actions against him. It is worth noting that these actions became possible due to the fact that the legitimate owner of personal data arrogantly neglected to provide his personal data: last name, first name, patronymic, date of birth, passport data, mobile phone number, bank card data and other information in the public domain, which became available to a wide range of people from-because of his own carelessness and negligence;

- Weak protection against cyber threats to electronic resources, technical devices that store personal data of the owners. This situation became possible due to the imperfection of modern means of protection, which are associated, among other things, with the withdrawal of most large antivirus companies from the territory of the Russian Federation, as well as the insufficient level of responsibility of organizations and authorized officials charged with ensuring reliable storage of this information. It is worth noting the incommensurability of punishment in the form of a monetary fine, which is imposed by judicial authorities and authorized officials to the offender for committing acts related to the leakage, illegal collection, copying, transmission and dissemination of data, in connection with which there is an objective need to toughen the punishment for these crimes;

- Activation of criminal cyber communities against the background of international conflicts, economic confrontations associated with an increase in the number of transactions related to non-cash payments, including the use of cryptocurrencies and digital means of payment. It should be noted that the number of illegal acts directed and committed against subjects located on the territory of the Russian Federation has increased due to the conduct of a special military operation on the territory of Ukraine. That is why the criminals come to the attention of electronic resources of public authorities, cross-border trading platforms, mobile applications of banking and other credit organizations operating in the territory of the Russian Federation.

It is worth noting that currently the number of illegal acts committed using ITT is increasing, which encroach on all spheres of activity of modern society. Thus, the main methods of committing illegal acts in the field of ITT remain "social engineering" and "phishing", which are primarily facilitated, as we have already noted earlier, by the insufficient level of digital hygiene and digital literacy of the population. It is worth noting that the geography of illegal actions, for example, using the above techniques has been changing over the past few years, as well as the ways of implementing information obtained illegally. This

information is currently being implemented on the sites of the so-called "information auctions" on the "Shadow Internet" ("DarkWeb"), which allows interested parties to anonymously purchase this information for electronic means of payment and cryptocurrency.

Speaking about crimes committed in institutions of the penitentiary system (UIS), the most common objective reasons for their commission are: maintaining authority in the criminal environment; personal hostility, revenge for violating the norms of prison life; hooligan motives. Moreover, speaking about the specifics of committing crimes in penal institutions, it is noted that the preliminary investigation bodies in the system of the Ministry of Internal Affairs of Russia prevent offenses in penal institutions taking into account the peculiarities of the structure of penitentiary crime, in which in 2023 crimes in the field of drug trafficking prevailed (201 out of 276; 68.5%), theft and fraud (42), extortion (15), crimes against the life and health of convicts (18).

It should be noted that a far from exhaustive list of objective reasons has been determined that contributed to the commission of various categories of crimes, since the objectivity of the circumstances that led to the commission of a specific criminal offense is individual in a particular case, and is subject to detailed study by officials conducting criminal prosecution.

It should also be noted that failure by investigators to establish the circumstances we are studying often leads to the return of criminal cases by prosecutors for additional investigation (Pushkarev et al., 2020b). At the same time, as noted in the analytical materials of the Investigative Department of the Ministry of Internal Affairs of Russia, these cases were not particularly difficult to investigate, and violations were committed at the final stage of the investigation, including unsatisfactory work to establish, prove and eliminate the circumstances under consideration.

In particular, 62% of criminal cases returned for additional investigation by prosecutors are crimes against property (theft, robbery, robbery, extortion, fraud); 13.2% are crimes in the field of illegal drug trafficking and weapons; 7.8% are crimes against the person (Articles 111, 112, 115, 118, 119 of the Criminal Code of the Russian Federation ([State Duma of the Federal Assembly of the Russian Federation, 1996](#))) 11.1% – theft committed using information and telecommunication technologies; 4.5% - in the field of traffic safety and operation of transport.

The absence of preventive measures and preventive work in the presence of appropriate conditions. These include the following: unsatisfactory work of

heads of enterprises and institutions in crime prevention activities among their subordinate labor collectives; low level of prevention in general education institutions and work with problem families; unsatisfactory work on the prevention of offenses among minors by commissions on juvenile affairs, and protection of their rights in local governments and departments for juvenile affairs (PD) of the system of the Ministry of Internal Affairs of Russia. ([Selivanov, 1990, p. 41](#))

Investigators handling criminal cases involving minors must promptly inform the police department (PD) about measures taken, such as restraining orders, accusations, and requests for background information on the minor and their parents. This allows the PD to register the minor, monitor their behavior, and take preventive actions. When a criminal case against a minor below the age of responsibility is terminated, materials are sent to the Juvenile Affairs Commission to consider educational measures or placement in special institutions. Challenges include inadequate offense prevention by district police, low living standards for certain citizens, unemployment among ex-prisoners, and insufficient municipal efforts to provide jobs. Other issues include inadequate security in public spaces, ineffective traffic rule enforcement, poor accounting practices in enterprises that enable economic crimes, and flaws in rehabilitating and re-educating prisoners. Many who have served sentences face difficulties like unemployment, lack of housing, and insufficient social assistance. Operational police officers often fail to monitor released individuals effectively, including establishing trusted agents to prevent recidivism. These shortcomings highlight the need for improved preventive measures, social support, and institutional accountability to address the root causes and recurrence of criminal behavior.

Unambiguously, the factors considered, according to which the classification of the circumstances under study was carried out, are conditional and are not exhaustive in their essence. At the same time, the classification of the circumstances under consideration allows the head of the investigative body and the investigator to correctly and competently plan their daily activities aimed at identifying, proving and eliminating them.

D. CONCLUSIONS

Based on the results of consideration of the issue related to the classification of circumstances that contributed to the commission of the crime, the authors came to the following reasonable conclusions. As a result of the author's classification of the circumstances that contributed to the commission of

a crime, specific factors have been identified that allow the head of the investigative body and the investigator to distinguish these circumstances from each other, correlate them with other circumstances to be proved and, as a result, increase the effectiveness of preventive activities in general.

Based on the above, the conclusion is justified that when identifying, proving and eliminating the circumstances that contributed to the commission of a crime, it should be assumed that the range of their identification is determined by such interrelated and often interdependent criteria as: the identity of the suspect (accused); the living conditions and upbringing of the person who committed the crime; the circle of communication of the person who committed a crime; the circumstances of the origin of criminal intent; the circumstances that made it possible to achieve criminal goals; objective circumstances, the totality of which makes it possible to commit a specific crime; the lack of preventive measures and preventive work in the presence of appropriate conditions.

The classification of circumstances that contributed to the commission of a crime, according to the unequivocal conviction of the authors, is necessary to build an algorithm of actions to identify, prove and eliminate them at all stages of pre-trial proceedings in criminal cases. Only when all three dominants are achieved (identification, proof, elimination) will the goals of criminal proceedings be achieved.

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