Original article
UDC 343.13
doi: 10.46741/2686-9764.2022.59.3.005

Russian Accelerated Inquiry: Modern Metamorphoses of the Procedural Form

SERGEI I. GIR'KO
Center for Security Research of the Russian Academy of Sciences, Moscow, Russia
Research Institute of the Federal Penitentiary Service of Russia, Moscow, Russia
syvorina959134@mail.ru, https://orcid.org/0000-0003-0344-0573

SERGEI V. KHARCHENKO
Moscow Academy of the Investigative Committee of the Russian Federation, Moscow, Russia, dsb111@yandex.ru

ALEKSANDR A. DOLGOPOLOV
Kuban State Agrarian University named after I.T. Trubilin, Krasnodar, Russia, Aadolgopolov1@mail.ru

ALTYNBEK M. KAMBAROV
All-Russian State University of Justice (RPA of the Ministry of Justice of Russia), Moscow, Russia, Kambarov75@mail.ru

Abstract

Introduction: recently, the search for accelerated and simplified pre-trial proceedings both in Russia and abroad is a manifestation of the trend to humanize the criminal process. However, the analysis of the stance of procedural law scholars in the scientific literature considered through the prism of international standards of police inquiry does reveal the expediency of conducting an abbreviated inquiry. Defining the *purpose* of the research presented in the article, the authors link the current state of the accelerated inquiry efficiency with the definition of ways to optimize organization of crime investigation and solve a number of problems to differentiate the procedural form of inquiry. The following set of theoretical and empirical methods of scientific cognition of reality comprises the *methodological basis* of the research. Theoretical knowledge is based on the analysis of scientific sources and the authors' reflection on the topic of legislative regulation of an accelerated inquiry; empiricism is derived from the practice of using this form. *Discussion*: the authors of the study evaluate the ongoing discussion in the Russian scientific literature on the problem to consider an accelerated inquiry as an independent procedural form introduced into the Russian criminal process. Development of hybrid models of criminal justice in two continental jurisdictions (on the example of France and Italy) is considered. In the countries of the Anglo-Saxon legal system, such as the USA, Great Britain, Australia, a simplified procedure is usually associated with the conclusion of a plea bargain both at the stage of investigation and legal proceedings. The CIS member states' (Kazakhstan, Belarus, Moldova) approach to accelerated pre-trial proceedings only shortens its term. *Conclusion*: the authors see the solution to the existing problem in bringing domestic practices in line with international standards of police investigation procedures. The study shows that despite discussions of scientists, the accelerated inquiry model introduced in the Criminal Procedural Code of the

Russian Federation, in general, meets the requirements, and organizational measures of the Ministry of Internal Affairs of Russia will allow to spread this practice. The results of the study expand knowledge about the unified procedure enshrined in the Criminal Procedural Code of the Russian Federation and contribute to its further improvement.

Keywords: criminal procedure regulation; abbreviated form of inquiry; international standards; police inquiry; accelerated pre-trial proceedings; accelerated inquiry model; organizational measures of the Ministry of Internal Affairs of Russia; scope of application of accelerated inquiry.

12.00.09 – Criminal procedure.

12.00.08 – Criminal law and criminology; penal law.

5.1.4. Criminal legal sciences.

For citation: Gir'ko S. I., Kharchenko S. V., Dolgopolov A. A., Kambarov A. M. Russian accelerated inquiry: modern metamorphoses of the procedural form. *Penitentiary Science,* 2022, vol. 16, no. 3 (59), pp. 274–284. doi: 10.46741/2686-9764.2022.59.3.005

Introduction. The need to modernize criminal procedures both in Russia and foreign states is caused by the need to take into account internationalization of crime in the context of global globalization and rapid scientific and technological progress, leading to the emergence of new forms of socially dangerous behavior. The cross-border nature of crime is intensified by rapid criminalization of the information and telecommunications sphere. Experts recognize the following leading cyber threats of 2021: spread of backdoor reception in the supply chain, hacking of home systems to enter the office, attacks on cloud platforms, as well as fraud with mobile payments and QR codes [22]. In these circumstances, the need for effective international mechanisms and closer cooperation between states has been repeatedly noted by the United Nations General Assembly [24]. In November 2001, 43 states signed the Council of Europe Convention on Cybercrime, aimed at improving cybersecurity through development of international cooperation and optimization of investigative mechanisms [16]. The priority direction in most countries' activities remains the tendency to follow the processes of liberalization and humanization of criminal justice. On September 17, 1987, the Committee of Ministers of the Council of Europe signed the Recommendation No. R (87) 18 of the Committee of Ministers to Member States concerning criminal justice simplification, which indicates preliminary investigation limitation, and in some cases its non-necessity [21]. However, international standards in the field of criminal justice and the processes of convergence of continental and Anglo-Saxon legal systems have mainly affected the judicial process and to a lesser extent pre-trial stages.

These and other prerequisites prompted the Russian legislator to search for the most optimal forms of preliminary investigation. The Federal Law No. 23-FZ of March 4, 2013 introduced Chapter 32.1 "An abbreviated inquiry" into the Criminal Procedural Code of the Russian Federation, thus the procedural form of inquiry was differentiated. Although, scientific discussions are still underway between supporters of a single procedural form and supporters of a simplified procedure for investigating crimes [6]. For example, duplication of procedural actions, absence of electronic interdepartmental document flow and timing of forensic examinations and a number of other shortcomings of the criminal procedure legislation prevent reduction of terms in a simplified form of inquiry.

Taking into account the above facts, the relevance of our research is determined by:

– ongoing processes of liberalization and humanization of criminal justice;

– the search for ways to bring together the Anglo-Saxon and continental models of preliminary criminal proceedings;

– the need to differentiate the criminal procedural form and the search for effective simplified and accelerated procedures for preliminary criminal proceedings;

– conditions of criminalization of the information and telecommunications sphere and the corresponding need to establish and develop digital interaction of law enforcement agencies at the domestic and international levels.

Defining the purpose of the research presented in the article, the authors link the current state of the accelerated inquiry effectiveness with the definition of ways to optimize organization of crime investigation and solve a number of problems to differentiate the procedural form of inquiry.

The achievement of this purpose will be facilitated by gradual solution of research tasks: historical and legal analysis of the meaning and essence of differentiation of the procedural form of inquiry in Russia and abroad; identification of organizational shortcomings and problems of the practice of an abbreviated inquiry; determination of prospects for the accelerated inquiry development; analysis of information technologies to support an accelerated inquiry.

Literature review. Having analyzed scientific sources on the research topic for 2016–2021, we determined 3 groups, each of which focuses on certain aspects of the current state of an accelerated inquiry institute.

The first group of sources is related to the problem of finding effective forms of resolving a criminal law conflict by solving the task of criminal proceedings to ensure access to justice and, in general, implement the criminal process humanization concept. This is works of T. Yu. Vilkova [2, p. 167–179], V.M. Gerasenkov [4, pp. 21–25], V.V. Dzhura [8, pp. 10–21], Yu.A. Lyakhov [9, pp. 194–197], D.B. Bazarov [14, pp. 34–37], Sh.F. Fayziev [19, pp. 70–73] and other authors. Trends and vectors for applying a simplified form of pre-trial procedures in Russia and abroad are identified. The authors consider the transformative impact of globalization processes on the national criminal justice development. Convergence and bringing the norms of domestic law into line with international standards corresponds to the principles of democratization and humanization of criminal procedures. According to this group of authors, solution to the problem of improving the efficiency of pre-trial proceedings is to get rid of excessive formalization and bureaucratization. Analyzing key models of pre-trial proceedings in various countries with regard to their affiliation to the Anglo-Saxon or continental legal system, T.Yu. Vilkova emphasizes that "the purpose of any simplified and accelerated proceedings is to eliminate unjustified obstacles to access to justice" [2, p. 168]. V.V. Dzhura studies issues of strengthening guarantees of openness and accessibility of justice, as well as simplifying the procedure for obtaining information about the movement of a criminal case in modern conditions of the information society development. The author comes to the conclusion that "Russia is on the path of gradually bringing the norms of procedural law in line with international standards" [8, p. 10]. Professor Yu.A. Lyakhov (Russia, 2021) notes that "humanity is an essential feature of the criminal process and, accordingly, all transformations should be carried out along the path of humanization" [9, p. 195]. Other researchers share this point of view. For example, a representative of the Tashkent law school D.B. Bazarova (Uzbekistan, 2016) argues that "in the age of information technology, the effectiveness of criminal justice depends on the resolution of criminal cases in a shorter time" [14, p. 34]. Sh.F. Fayziev, discussing issues of improving criminal procedural activities of inquiry bodies also focuses on such a factor as saving the state budget [19].

The second group of scientific sources consists of works of Russian and foreign authors who differently assess prospects for introducing celerant procedures in criminal proceedings of states. A.R. Belkin [1], V.M. Gerasenkov [4], S.I. Gir'ko [6], N.V. Manilkin, E.V. Bykadorova, N.V. Boldyrev [10], A.A. Prokopova [11], B. Coscas-Williams, M. Alberstein [17], S. Egbert, M. Leese [18, pp. 13–17], J. Sorabji, S. Vaughan [22], and E. Yaşar [26, pp. 255–299]. A.R. Belkin and a number of other researchers believe that the "legal regulation contradictions in the abbreviated inquiry procedure (Chapter 32.1 of the Criminal Procedural Code of the Russian Federation cannot be corrected only by introducing amendments. It is necessary to exclude this chapter from the norms of the Criminal Procedural Code of the Russian Federation as not conforming to the rules of criminal procedural evidence and the purpose of criminal proceedings in general" [1]. On the contrary, V.M. Gerasenkov notes that the excessive

formalism of pre-trial criminal proceedings, especially when it comes to crimes of small and medium gravity, hinders access to justice and ensuring the principle of a reasonable period of criminal proceedings [4, p. 21]. The prevalence of celerant criminal proceedings in foreign countries is mostly criticized in foreign scientific press. Thus, A.A. Prokopova is sure that the new accelerated proceedings introduced by the Criminal Procedural Code of the Kyrgyz Republic (institute of accelerated pre-trial investigation; protocol proceedings on criminal offenses; procedural agreement in the form of a plea bargain and writ proceedings) have not created the expected effect over the past five years [11, p. 122]. Assessing the accelerated proceedings introduced in 2019 in the Turkish criminal process, E. Yaşar (Turkey, 2020) writes that, having refused full-fledged proof, the legislator did not strengthen procedural guarantees of the rights of participants in accelerated proceedings [26, p. 255]. B. Coscas-Williams and M. Alberstein in the scientific report of the Faculty of Law of Bar-Ilan University (Israel, 2019) discuss admissibility of simplified criminal proceedings for a limited list of crimes, taking into account mandatory presence of factual prerequisites defined in the law [17]. Scientists D. Johnson and D. Vanoverbeke (Japan, 2020) consider transparency of crime investigation as the crucial goal of reforming the criminal process in Japan. Simplified criminal prosecution procedures are possible only if the penalty for the crime in connection with which the criminal prosecution is carried out does not exceed a fine of one million yen. The report reveals that, unlike most states of the general legal and continental legal families, criminal prosecution in Japan is carried out exclusively by the prosecutor's office. At the same time, the investigation of the prosecutor's office is monitored by the Commission for controlling activities of the Prosecutor's office, a civil control body [20, p. 440].

The third group of scientific sources includes researchers who assess the current state of the abbreviated inquiry from a forensic point of view. We should mention domestic and foreign authors, such as Y.P. Garmaev, E.I. Popova [3], S.I. Gir'ko [5], A.S. Gorban' [7], W. Chen [15, pp. 323–407], F. Al-Asaad [13], L. Soubise [23], A. Vasko [25], D. Johnson, and D. Vanoverbeke [20]. Most authors considering the problem to implement simplified forms of criminal proceedings note that they significantly save time and resources of law enforcement agencies. Scientists of the East Siberian State University Yu.P. Garmaev and E.I. Popova believe that the quality of investigation in simplified proceedings is significantly lower. They attribute this fact to the lack of developed forensic tools. Accordingly, they propose to elaborate a theoretical concept of forensic support for simplified procedures [3, p. 16]. The representative of the Kuban law school A.S. Gorban' suggests an algorithm for producing an abbreviated inquiry in the investigation of thefts [7]. Similar studies are conducted in other countries. W. Chen, relying on the legal community's latest discoveries, presents current trends of accelerated proceedings in the criminal procedure law of China. The specifics of regulating criminal procedural relations there is its party-oriented nature, but this does not prevent the Chinese legislator from following modern international trends. The lack of separation of the procedural form of preliminary investigation in China is due to a shorter duration of criminal proceedings, simplified procedure for authorizing the use of procedural coercion measures and production of investigative actions [15, pp. 323–407]. Professor at the University of Liverpool L. Soubise in the review of the book by J. Hodgson "The metamorphosis of criminal justice – a comparative report" contemplates about fundamental changes in criminal justice in England and Wales. "For example, the person who has committed a crime can be immediately brought to the magistrate's court without pre-trial preparation and a written indictment (oral formulation of the charge). If the accused pleads guilty, other evidence of guilt is not examined by the court" [23, p. 815]. A. Vashko (Slovak Republic, 2020) studies criminalistic features of the use of intelligence data in the abbreviated criminal proceedings. According to him, the abbreviated investigation in Slovakia must be completed within two months from the date of the indictment. In case of a shortened investigation, a protocol of shortened proceedings is drawn up". The author comes to the conclusion that the use of intelligence information in criminal proceedings leads to the reduction of time and is justified by the case-law of the European Court of Human Rights" [25, p. 280].

Drawing a final distinction between what has already been done and what needs to be done, we should mention, on the one hand, the diversity of scientific approaches to shortened procedures of criminal proceedings, and on the other hand, the need for their legislative refinement to the requirements of international standards. The identification of important variables related to the research topic shows that the authors often use a descriptive approach preventing development of a holistic view of improving the accelerated procedural form of pre-trial registration of materials about crimes. Accordingly, it becomes obvious that this problem requires further elaboration, namely, optimization of inquiry bodies' activities.

Materials and methods. The methodological basis of the research was the following set of theoretical and empirical methods of scientific cognition of reality. Theoretical knowledge is based on the analysis of scientific sources and the author's reflection on the topic of legislative regulation of the accelerated inquiry; while empiricism is derived from the practice of using this form.

This article, based on the systematic approach, focuses on revealing integrity of the ongoing processes to modernize criminal procedures in the context of the search for effective international mechanisms of close cooperation between states. Researchers, namely Yu.A. Lyakhov [9], N.V. Manilkin, E.V. Bykadorova, N.V. Boldyrev [10], describe not only characteristic features of international cooperation, but also a wide range of options for optimizing investigative mechanisms.

The authors, using the philosophical method of materialistic dialectics, study pre-trial accelerated proceedings in relation to the general order of criminal proceedings and the tasks to fulfill [1–8].

With the help of general scientific methods of cognition, we obtained new theoretical knowledge about the essence, content and legal nature of the accelerated inquiry. Thus, the use of the analysis method helped reveal problems in the legal regulation of accelerated pre-trial proceedings. Based on the synthesis method, the authors made proposals on theoretical foundations of various accelerated pre-trial proceedings in the criminal procedure.

In the study, the authors also applied private scientific methods of cognition, such as comparative-legal, specific sociological, formal-legal, and historical-legal. The comparative legal method made it possible to compare accelerated pre-trial proceedings in Russia and foreign countries by a number of criteria. The specific sociological one allowed us to study criminal cases, law enforcement practice and procedural law scientists' opinions on the issues of differentiated proceedings. The formal-legal method contributed to the research in the norms of the current Russian criminal procedure legislation regulating accelerated proceedings. Thus, researchers S.I. Gir'ko [5; 6], A.S. Gorban'[7], N.V. Manilkin, E.V. Bykadorova, N.V. Boldyrev [10] and others, with the help of the formal- legal method, identified structural logical elements that are part of accelerated pre-trial criminal proceedings. Organizational and criminological problems were identified. On the basis of these elements, accelerated pre-trial proceedings were classified. The historical and legal method of the study influenced the conclusions regarding the genesis of accelerated pre-trial proceedings within the framework of domestic and foreign criminal procedure legislation.

In general, these research methods were determined by the specifics of its purpose: to identify ways for optimizing investigation of crimes in the form of an accelerated inquiry in the context of the current state of accelerated proceedings in Russia and abroad. Accordingly, methods of observation, comparison and description were chosen as empirical research methods to evaluate theoretical proposals for optimizing the criminal procedural form of an accelerated inquiry.

A typical sample was the main method of sampling criminal cases. The subject of the study was criminal cases of crimes of small and medium gravity, the investigation of which had been conducted in the form of the general and abbreviated inquiry in 2016–2020. For the specified period, we analyzed data of legal statistics on issues related to the investigation of crimes of the above categories published on the official websites of the Judicial Department at the Supreme Court of the Russian Federation, the Prosecutor General's Office of the Russian Federation, the Ministry of Internal Affairs of Russia, and the Federal Bailiff Service of Russia.

Data collection and processing was carried out on the basis of applying the method

of statistical grouping of empirical data and the suggestions were made for its use in conducting research on the problem indicated in the research topic. In order to achieve the accuracy of the statistical grouping method application, the authors determined the feature underlying the division. We proposed the following classification: 1) a qualitative indicator – an accelerated inquiry under a specific article of the Criminal Code of the Russian Federation; 2) a quantitative indicator – grouping of criminal cases for which in 2016–2020 the suspects filed petitions for the abbreviated inquiry.

Results and Discussions. The Federal Law No. 23-FZ of March 4, 2013 introduced Chapter 32.1 "The abbreviated inquiry" into the Criminal Procedural Code of the Russian Federation, which in fact fixed the accelerated pre-trial registration of materials on crimes, unified in procedural form and significantly optimized the inquiry bodies' activities, primarily the police, in a certain category of criminal cases. It is also important for us to evaluate the 2013 innovation dialectically, that is, from different positions and, more importantly, taking into account opinions of researchers and practitioners.

The authors of the study evaluated the ongoing discussion in the Russian scientific literature on the problem of considering the accelerated inquiry as an independent procedural form introduced into the Russian criminal process [1; 5; 6; 7]. The most accessible opinion of the opponents of the abbreviated inquiry is expressed by A.A. Sumin, who believes that this unified procedural form was brought to life by "reformist itch, unbridled and, most importantly, not conditioned by the needs of practice" [12, p. 6]. However, the above opinion is puzzling, since it is the huge number of simple and obvious cases in the proceedings of police interrogators, distracting them from qualitative investigation of crimes with a more complex structure, that required the Ministry of Internal Affairs of Russia to constantly set the Russian legislative bodies the task of introducing a unified procedural form into criminal proceedings. In particular, in this regard, attention should be paid to the law requirement on the mandatory complaint of a suspect to conduct an inquiry in the abbreviated form. It seems that it is quite difficult to get it from the guilty person. Meanwhile, the surveyed practical interrogators do this in the initial protocol of the interrogation of a suspect. The externally complicated procedure regulated by law does not cause any difficulties in practice.

It is worth mentioning that shortly after the introducing the chapter on the abbreviated inquiry into the Criminal Procedural Code of the Russian Federation there appeared certain forecasts, including skeptical, on a number of features of the procedure adopted by the legislator. The authors' research in international standards of accelerated pre-trial proceedings showed that the unified form of pre-trial proceedings introduced into the Russian criminal process largely corresponds to them [5]. A wide prevalence of celerant criminal proceedings in foreign countries makes it possible to identify interest of foreign researchers in them. The Researcher at the Judicial Conflict Resolution Laboratory of the Law Faculty of the Bar-Ilan University V. Coscas-Williams and Professor at the Law Faculty of the Bar-Ilan University, the Chief Investigator at the Judicial Conflict Resolution Laboratory M. Alberstein, having studied development of hybrid criminal justice models in 2 continental jurisdictions (case study of France and Italy), drew conclusions about prospects for accelerated pre-trial proceedings development. France and Italy had different effectiveness of criminal proceedings, ranging from elements of competition and ending with the Inquisition. The French system, having been investigative in nature for a long time, has recently begun to change in the direction of the disappeared investigation. The Italian system, on the other hand, announced a radical transformation into the adversarial structure of judicial proceedings, but at the same time applying mainly non-judicial procedures. This shift did not lead to the disappearance of the litigation phenomenon. [17]. In France, this type of inquiry is generally evaluated positively because it gives the opportunity to quickly establish the fact of a crime, detain a criminal and consolidate evidence until they disappear. Most often, pre-trial proceedings are limited to the investigation of obvious crimes. In Italy, the practice of plea bargains as a shortened pre-trial procedure was introduced by the CPC back in 1998 [5]. In the countries of the Anglo-Saxon legal system, such as the USA, Great Britain,

Australia, the simplified procedure is usually associated with the plea bargain both at the stage of investigation and legal proceedings [10]. In the CIS member states (Kazakhstan, Belarus, Moldova), the approach to the accelerated pre-trial proceedings was chosen, which only allows to shorten its term. So, A.A. Prokopova (2019) notes that in the Republic of Kazakhstan, criminal procedure legislation provides for 4 independent accelerated proceedings (accelerated pre-trial investigation; protocol form of the pre-trial investigation; procedural agreement in the form of a plea bargain; writ proceedings), identical to each other and, moreover, jeopardizing criminal procedural guarantees of human rights [11].

Another problem that is causing discussion in the scientific community concerns the issue of conducting the accelerated inquiry in relation to a specific person, when he/she admits his/her guilt. According to A.R. Belkin, this seems strange. The opinion is also expressed that the "decision on the initiation of such an inquiry is often within the discretion of the law enforcement officer" [1, p. 16]. The authors, meanwhile, do not find it strange to conduct the accelerated inquiry in relation to a particular person. Moreover, the unified inquiry procedure is therefore applied with various simplifications and reasonable deviations from classical, traditional preliminary investigation, because the crime is obvious, the involvement of a particular person in it is beyond doubt and is credible.

We also previously critically perceived the legislator's linking of the issue of possible initiation of an abbreviated inquiry with the suspect's complaint. Such a decision, from our point of view, should be solely the result of the discretion of the inquirer, taking into account all the case circumstances: its evidence, the suspect's admission of guilt, and characteristics of the guilty person. No other circumstances should influence the decision to initiate the abbreviated inquiry.

Meanwhile, we couldn't but take into account the international practice of accelerated proceedings and the police investigation procedures adopted and effectively operating in foreign countries. It should be stated that the evidence of the crime, suspect's admission of guilt and its reliability, guilty person's consent to pre-trial accelerated proceedings are crucial when deciding on the use of simplified proceedings both in the countries of the continental and Anglo-Saxon systems of law.

Problems related to proof are also widely discussed among procedural law scholars. However, in this case we are talking about the crime with a simplified construction of the corpus delicti, in particular, a criminal is detained at the scene of the crime or shortly after its commission and does not pose a significant public danger. In this case, everything, including a proof procedure, proceeds from the procedural economy principle.

Taking into account our contemplations, it is appropriate to give an example from the legislation regulating criminal proceedings in the Russian Empire. Thus, the inquiry purpose is stated in Paragraph 15 of the Instruction of the Prosecutor of the Moscow Judicial Chamber G. Stepanov of October 15, 1909, which entered into force on January 1, 1910: "Under the obligation to detect crimes, police officers, having received statements or information about crime commission, conduct an inquiry to find out whether a crime was committed and, if so, what, when, by whom and under what circumstances" [5, p. 33]. It is quite concise and concrete.

Limits and the proof procedure as elements of the system to work with evidence, when conducting the accelerated inquiry, are also individualized by the legislator. We believe that they fully provide the possibility of applying this procedural form in inquiry bodies' activities. In addition, they largely correspond to the foreign practice of police investigation. However, not all experts in the field of criminal procedure share the stated approach to the problem. In a number of cases, contradictory and even mutually exclusive positions are expressed. So, for example, Yu.V. Frantsiforov defines the "legal component of the features of evidence in the abbreviated inquiry production of in an form as contradicting fundamental rules not only of the evidence theory, but also the principles of criminal proceedings themselves". On the contrary, B.T. Bezlepkin emphasizes that "various simplifications made in the work of proving in accelerated pre-trial proceedings do not contradict the evidence theory" [1, pp. 16–25].

Regarding the positions expressed in various literary sources, it should be noted that the problem of legal regulation, accelerated and simplified, that is, a differentiated pro-

cedural form and its inclusion in the Criminal Procedural Code of the Russian Federation arose at the stage of a significant increase in crime in the Russian Federation. The main burden on the investigation of mass crimes, mainly not related to the category of serious and moderate, fell on the Ministry of Internal Affairs of Russia. The main idea of the unified procedural form is its accelerated and simplified nature. By the way, leading foreign countries use the same "patterns" to similar forms of police inquiry.

Assessing the abbreviated inquiry as quite adequate to the public relations that have developed in matters of countering mass crimes of small and medium gravity, it should be noted that, from our point of view, the legislator has not found an opportunity to consider issues of regulating proving evidence. In particular, in such cases, evidentiary information comes from the same sources that are used during the preliminary investigation.

Meanwhile, within the framework of the accelerated inquiry, it is hardly justified to carry out investigative actions, especially such as forensic examinations, searches, investigative experiments and some others. At the same time, the legislator provided for exceptions from proof procedures used in the preliminary investigation: the failure to conduct a number of investigative and procedural actions, verification of certain evidence, which in itself can be perceived as an independent system of evidence for the accelerated inquiry.

However, we are talking about a different situation, similar to international practices, when within the framework of the abbreviated inquiry, a system of proof unique only for this procedural form would be developed and incorporated into the law. As the main sources of evidence here, it would be possible to use the carriers of evidentiary information contained, for instance, in Part 1 of Article 144 of the Criminal Procedural Code of the Russian Federation, perhaps some others, but this is definitely a topic of independent research. It is important that such sources of evidence, subject, limits and process proof are unique for the abbreviated inquiry and in their totality are perceived as a proof system, immanent exclusively to this procedural form.

Has the abbreviated inquiry model fixed in the Criminal Procedural Code of the Russian Federation become the tool that ensures prompt investigation of minor crimes and bringing perpetrators to justice? Has an abbreviated inquiry filled the legal niche of unified pre-trial proceedings, which up to 1998 had been occupied by the protocol form of pre-trial preparation of materials? There is no unequivocal answer this question, but it should be noted that from year to year, after the introduction of Chapter 32.1 into the Criminal Procedural Code of the Russian Federation, the scale of the investigation of cases in the form of the abbreviated inquiry is increasing.

According to the Prosecutor General's Office of the Russian Federation, in 2016, a preliminary investigation was conducted for 649,197 minor and 301,001 medium gravity crimes, which amounted to 79.8% of the total number of crimes investigated; in 2018, a preliminary investigation was pursued for 603,524 minor and 270,571 medium gravity crimes, which accounted for 80.3% of the total number of crimes investigated; in 2019 a preliminary investigation was held for 587,817 minor and 252,363 medium gravity crimes, which comprised 79.8% of the total number of crimes investigated. V.M. Gerasenkov notes that the investigation of these groups of crimes according to the same procedural rules "is not always advisable, since in some cases the use of the entire procedural resource and application of the same rather long periods of criminal proceedings are clearly unnecessary" [4, p. 21].

According to statistics and factual information from the Inquiry Department of the Ministry of Internal Affairs of Russia in 2016, the number of cases for which an abbreviated inquiry was conducted amounted to 90,103 (9.0% of the number of registered crimes for which a preliminary investigation is optional), in 2017 – 105,886 (11.1%), in 2018 – 100,805 (12.2%), in 2019 – 82,532 (10%), and in 2020 – 65,237 (8.8%) [7]. At the same time, the abbreviated inquiry quality is characterized by quite high indicators. However, the not so decisive practice of applying Chapter 32.1 of the Criminal Procedural Code of the Russian Federation in recent years indicates certain legislative shortcomings. At the same time, of the total number of criminal cases sent by police interrogators to the court accelerated proceedings reached 28% and increased by 2% only over the past year.

It should be noted that if during the initial period of introduction of the novel inquiry into the Criminal Procedural Code of the Russian Federation, law enforcement officers noted the absence of a unified policy to support accelerated proceedings, at the present time a common strategy has been developed at the level of federal prosecutor's offices and internal affairs bodies aimed at expanding the practice of the accelerated inquiry. Representatives of the Ministry of Internal Affairs of Russia and the Prosecutor General's Office of Russia visit territorial bodies with low indicators of such work. Hence, for 11 months of 2020 in the Penza Oblast Regional Office of the Ministry of Internal Affairs the number of cases of the use of the accelerated inquiry grew by 3.6 times (from 7.4% to 26.7%), and in the Mari El Republic Regional Office of the Ministry of Internal Affairs – by 2.7 times (from 11.8% to 32.1%). Nevertheless, the practice of active use of accelerated proceedings cannot be called well-established to this day. So, with the average Russian indicator of 28%, the share of the abbreviated inquiry in the Regional Office of the Ministry of Internal Affairs in the Republic of Crimea was 66.3%, in the Republic of Adygea – 59.2%, the Tver Oblast – 57%, while in the Kursk Oblast – 8.7%, and the Oryol Oblast – 13.8%.

As a result, we come to the conclusion that the legal regulation of the abbreviated inquiry, in general, is adequate to the tasks this institution faces and reflects international standards of such proceedings. Law enforcement officers, in particular interrogators of the internal affairs bodies (police), take organizational measures in order to spread the practice of the abbreviated inquiry throughout the territory of the Russian Federation, while expanding the scope of such pre-trial proceedings. However, the absence of systematic and clearly formulated forensic algorithms for accelerated pre-trial proceedings result in proceedings formalization, orientation on the accused's admission of guilt and a lack of a full trial in the case. Formation of a criminalistic concept, according to Yu.P. Garmaev, A.A. Prokopova, E.I. Popova, will contribute to maintaining a balance between public interests of applying simplified procedures [3] and, in general, ensuring the purpose of criminal proceedings.

5. Conclusions. Thus, in response to the problematic question stated in the research topic about what is happening to the unified inquiry and the form of criminal procedure regulating it: evolution or degradation, we believe that in comparison with the protocol form of pre-trial preparation of materials on crimes of a certain category, the abbreviated inquiry:

1) has become an important innovative solution that has absorbed many critical comments from scientists and practitioners;

2) is largely brought into line with most international standards and domestic practices underlying police investigation procedures.

The statistical studies demonstrate that the unified procedure fixed in the CPC is not ideal and needs further refinement to a state adequate to those public relations and challenges that will be formed in Russia in the future.

The historical and legal analysis of the inquiry differentiation in Russia and abroad shows that numerous discussions conducted by scientists do not interfere with the ongoing search for effective, simplified and accelerated forms of pre-trial proceedings in various countries. Identified organizational shortcomings and problems of the practice of the abbreviated inquiry promote optimization and efficiency of the model of accelerated pre-trial proceedings in the domestic criminal process.

Determining prospects for the accelerated inquiry development, we can mention 1) the importance of a full-fledged judicial review as a mandatory condition for the use of accelerated pre-trial proceedings; 2) the formation of one common production on the basis of the accelerated pre-trial investigation and production with a concluded agreement with mandatory proof of guilt, regardless of its recognition by the accused; 3) the rejection of the victim's opinion as one of the conditions for applying this procedural form, as well as the exclusion of the possibility of the suspect's subsequent refusal from this shortened investigation procedure. The analysis of possible introduction of digital information technologies to support accelerated inquiry allowed us to emphasize the importance of digital interaction between law enforcement agencies and the population. Creation of uni-

fied and protected digital resources will contribute both to implementing the principle of a reasonable period of criminal proceedings, minimizing the percentage of possible errors and, in general, preventing criminalization of the information and communication sphere.

Such studies encourage development of the interdisciplinary theory of compromises, as well as enrich criminal procedure and criminalistic science and practice. In this regard, scientific development of such areas as digital criminology of organizing investigation, effective forms of criminal proceeding participants' interaction, forensic versions, forensic prevention and other areas synchronized with an accelerated inquiry seems relevant.

REFERENCES

1. Belkin A.R. Inquiry in simplified form: doubtful scheme with truncated evidence. *Ugolovnoe sudoproizvodstvo=Criminal Judicial Proceeding*, 2016, no. 4, pp. 16–25. (In Russ.).
2. Vilkova T.Yu. Organization of pre-trial proceedings in criminal cases in Russia and abroad as a factor in ensuring access to justice. *Vestnik universiteta im. O.E. Kutafina (MGYuA)=Courier of Kutafin Moscow State Law University (MSAL)*, 2020, no. 10, pp. 167–179. (In Russ.).
3. Garmaev Yu.P., Popova E.I. Differentiated approach of the legislator to defining the subject of proof in criminal cases with respect to minors. *Izvestiya Tul'skogo gosudarstvennogo universiteta. Ekonomicheskie i yuridicheskie nauki=News of the Tula State University. Economic and Legal Sciences*, 2021, no. 1, pp. 10–16. (In Russ.).
4. Gerasenkov V.M. Criteria for differentiation of accelerated pre-trial proceedings as a basis for the establishment of its efficient model. *Rossiiskii sledovatel'=Russian Investigator*, 2019, no. 6, pp. 21–25. (In Russ.).
5. Gir'ko S.I. Standards for accelerated pre-trial proceedings in police practice abroad and possibilities of their implementation in the Russian Federation. *Colloquium-Journal*, 2019, no. 18 (42), pp. 29–40. (In Russ.).
6. Gir'ko S.I. Accelerated inquiry – where and why the evolution of the procedural form led. *Colloquium-Journal*, 2020, no. 5 (57), pp. 133–136. (In Russ.).
7. Gorban' A.S. Forensic doctrine of algorithm development applied to theft investigations in the form of abbreviated inquiry. *Obshchestvo: politika, ekonomika, parvo=Society: Politics, Economics, Law*, 2018, no. 8 (61), pp. 111–114. (In Russ.).
8. Dzhura V.V. International standards of implementation of justice in the framework of the harmonization of domestic procedural law. *Sibirskii yuridicheskii vestnik=Siberian Law Bulletin*, 2016, no. 1 (60), pp. 10–21. (In Russ.).
9. Lyakhov Yu.A. The humanization of the criminal process is the general task of the Russian criminal justice. *Kriminalistika: vchera, segodnya, zavtra=Criminalistics: Yesterday, Today, Tomorrow*, 2021, no. 1 (17), pp. 194–197. (In Russ.).
10. Manilkin N.V., Bykadorova E.V., Boldyrev N.V. Angliiskaya forma ugolovnogo sudoproizvodstva, kak odna iz osnovnykh istoricheskikh form ugolovnogo protsessa. In: *Mir v epokhu globalizatsii ekonomiki i pravovoi sfery: rol' biotekhnologii i tsifrovykh tekhnologii sbornik nauchnykh stateipo itogam raboty kruglogo stola s mezhdunarodnym uchastiem* [World in the era of globalization of the economy and the legal sphere: the role of biotechnologies and digital technologies: collection of scientific articles on the results of the round table with international participation]. Moscow: Konvert, 2021. 184 p. Pp. 138–140. (In Russ.).
11. Prokopova A.A. Comparative analysis of accelerated pre-trial proceedings in the criminal process of the Republic of Kazakhstan. *Trudy Akademii upravleniya MVD Rossii=Proceedings of Management Academy of the Ministry of the Interior of Russia*, 2019, no. 3 (51), pp. 122–128. (In Russ.).
12. Sumin A.A. Abbrevated inquiry: a stillborn child of the criminal process reformers. *Advokat=Advocate*, 2013, no. 10, pp. 5–88. (In Russ.).
13. Al-Asaad F. "Except by accident": the Christchurch investigation. *Arena*, 2021, no. 5, pp. 13–17.
14. Bazarova D.B. Procedural safeguards in investigating and adjudicating criminal cases by summary procedure. *ISJ Theoretical & Applied Science*, 2016, no. 12 (44), pp. 34–37.

15. Chen W. *Reform and development of powers and functions of china's criminal proceedings*. Singapore: Springer Nature, 2021. 551 p. ISBN 9789811584336.
16. Convention on Cybercrime (ETS No.185). *European Parliament: website*. Available at: https://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_/7_conv_budapest_en.pdf (accessed May 5, 2021).
17. Coscas-Williams B., Alberstein M. A patchwork of doors: accelerated proceedings in continental criminal justice systems. *New Criminal Law Review*, 2019, vol. 22, no. 4, pp. 585–617.
18. Egbert S., Leese M. *Criminal futures. Predictive policing and everyday police work*. London; New York: Routledge, 2021. 242 p. ISBN 978-0-429-32873-2.
19. Fayziev Sh. F. Saving the state budget by improving the criminal procedure activities of bodies of inquiry. *Religacion*, 2019, vol. 4, no. 5, pp. 70–73. Available at: http://revista.religacion.com/index.php/religacion/article/view/276 (accessed May 5, 2021).
20. Johnson D., Vanoverbeke D. The limits of lay participation reform in Japanese criminal. *Hastings_Journal_Crime_Punishment,* 2020, vol. 1, no. 3, pp. 439–485. Available at: hhttps://repository.uchastings.edu/hastings_journal_crime_punishment/vol1/iss3/8 (accessed May 5, 2021).
21. Recommendation No. R (87) 18 of the Committee of Ministers to member states concerning the simplification of criminal justice1 (Adopted by the Committee of Ministers on 17 September 1987 at the 410th meeting of the Ministers' Deputies). *Council of Europe: website*. Available at: http://rm.coe.int/16804e19f8 (accessed May 5, 2021).
22. Sorabji J., Vaughan S. "This Is Not A Rule": COVID-19 in England & Wales and criminal justice governance via guidance. *European Journal of Risk Regulation*, 2021, no. 9, pp. 143–158. https://doi.org/10.1017/err.2020.118
23. Soubise L. Book review: the metamorphosis of criminal justice – a comparative account. *Social & Legal Studies,* 2021, vol. 30, no. 5, pp. 813–818.
24. Tenth UN Congress on the Prevention of Crime and Treatment of Offenders "Crime and Justice: Meeting the Challenges of the Twenty-first Century". Vienna, Austria 10–17 April 2000. The United Nations: website. Available at: https://www.unodc.org/congress/en/previous/previous-10.html (accessed May 5, 2021).
25. Vaško A. Intelligence information within criminal proceedings. *DUNAI: Law, Economics, and Social Issues Review.* 2020, vol. 10, no. 3, pp. 267–283.
26. Yaşar E. Accelerated proceedings in Turkish Criminal. *Adalet Dergisi*, 2020, no. 65, pp. 255–299. Available at: https://dergipark.org.tr/tr/download/article-file/1467957 (accessed May 5, 2021).

INFORMATION ABOUT THE AUTHORS

SERGEI I. GIR'KO – Doctor of Sciences (Law), Professor, Honored Scientist of the Russian Federation, Director of the Center for Security Research of the Russian Academy of Sciences, Moscow, Russia, Chief Researcher of the Research Institute of the Federal Penitentiary Service of Russia, Moscow, Russia, syvori-na959134@mail.ru, https://orcid.org/0000-0003-0344-0573.
SERGEI V. KHARCHENKO – Doctor of Sciences (Law), Associate Professor, professor at the Department of Criminology of the Moscow Academy of the Investigative Committee of the Russian Federation, Moscow, Russia, dsb111@yandex.ru
ALEKSANDR A. DOLGOPOLOV – Doctor of Sciences (Law), Associate Professor, professor at the Department of Administrative and Financial Law of the Kuban State Agrarian University named after I.T. Trubilin, Krasnodar, Russia, Aadol-gopolov1@mail.ru
ALTYNBEK M. KAMBAROV – Candidate of Sciences (Law), associate professor at the Department of Administrative and Financial Law of the All-Russian State University of Justice (RPA of the Ministry of Justice of Russia), Moscow, Russia, Kambarov75@mail.ru

Received June 27, 2022