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Some Problems of Modern Legal Education in the Republic of Armenia and the Russian Federation

SERZHIK S. AVETISYAN

Cassation Court of the Republic of Armenia, Yerevan, Republic of Armenia
Russian-Armenian University, Yerevan, Republic of Armenia
Armenian Representative Office of the Regional Public Organization “Union of
Criminalists and Criminologists”, Yerevan, Republic of Armenia
avetis-yanserj@mail.ru

ADELINA A. SARGSYAN

Russian-Armenian University, Yerevan, Republic of Armenia, adelina-sargsyan@
mail.ru, <https://orcid.org/0000-0002-2874-9676>

Abstract

Shortcomings in the modern higher education system actualize the importance of providing high-quality legal education capable of training competitive and in-demand lawyers. The lack of a regulatory framework that meets modern realities in terms of legal regulation of legal education, partial inconsistency of the main educational programs and curricula of higher educational institutions, requirements of the federal state standard of higher education in the field of training “Jurisprudence”, the lack of legislative regulation of the possibility for persons without a basic legal education to take master’s courses, insufficient professional training of teaching staff; the predominance of the theoretical part of training of lawyers over the practical component forms a set of factors that generally reduce the effectiveness of the training of professional personnel. The *purpose* of the study is to identify a combination of factors, including legislative gaps, negatively affecting the development of modern legal education in the Republic of Armenia and the Russian Federation, as well as to determine key prospects for its development in accordance with international standards and the needs of potential employers. *Methods*: comparative-legal, empirical methods of description, interpretation; theoretical methods of formal and dialectical logic; private-scientific methods: legal-dogmatic and method of interpretation of legal norms. *Conclusions*: the analysis of normative-legal, as well as relevant local acts of the Russian Federation, the Republic of Armenia and other CIS countries indicates that at present in most higher educational institutions the practical component of the training of lawyers prevails over the theoretical one, which, accordingly, requires a speedy resolution. The main trends in the development of legal education in the CIS countries, successful world practice and world standards of higher legal education necessitate the expansion of digitalization

processes in the training of lawyers, strengthening the competence of future lawyers in matters of legal information security. The modernization of modern legal education should be continuous, taking into account the needs of the world market. It is crucial to develop a national strategy for improving legal education and elaborate local acts in higher educational institutions regulating the issues of digitalizing legal education. It is of great importance to increase the digital literacy and competence of the teaching staff and train future lawyers in these skills in order to boost demand for them. Realization of convicts' right to receive legal education is also relevant.

Keywords: higher education; digitalization; legal education in the Russian Federation and the Republic of Armenia; innovation; educational process; quality of legal education.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

The right to education is one of the most important constitutional rights of citizens, serving, at the same time, as a basic premise of a developed state. In the context of proper functioning of the rule of law, the issue of legal education of citizens and training of qualified personnel is of great importance. The analysis of the current legislation in the field of education of the Russian Federation and the Republic of Armenia and the practice itself indicates the need for further changes aimed at improving the quality of legal education, which directly affects sustainable development and functioning of the state and society in the context of globalization. It is the improvement of the quality of legal education that is a necessary prerequisite for the development of the rule of law.

The importance of legal education is also evidenced by the Decree of the President of the Russian Federation No. 599 of May 26, 2009 "On measures to improve higher legal education in the Russian Federation", which, among other issues, notes the need to "ensure elaboration and public discussion of the Federal State Standards of Higher Professional Education in the direction of training (specialty) of law", providing for widening practical part of the main educational program of higher professional education, as well as the formation of students' intolerance to corrupt behavior and respect for the law".

Besides, we should note the relevance of development of digital competence of lawyers. Digital competencies form the digital capital of an employee, but they should also form his/her social digital capital [12]. The introduction of information and communication technologies into various spheres of human activity, according to experts from different industries, becomes the basis for civilization development at the present stage [3]. In the rapidly developing era of digitalization, it seems appropriate to optimize some educational standards of higher education in the field of "Jurisprudence". "Scientific and technological progress, use of information and communication technologies (ICT) in various spheres of human activity impose new requirements for training future specialists in the education informatization conditions" [2, p. 178]. According to N.I. Ryzhova and D.A. Sokolova, "today, when training a modern specialist of virtually any profile, the need for forming information and legal competence, in their close relationship in particular, is clearly visible; therefore, in our opinion, it is most relevant to talk about forming the information and legal competence of a specialist" [10].

Discussions

Digital competencies of a future lawyer

Rapid introduction of information technologies in all spheres of society's life and improvement of artificial intelligence capabili-

ties further actualize the question of forming a spectrum of “digital” competencies among graduates. IT lawyers specializing in legal support of activities of legal entities and individuals are in demand in current conditions of economy digitalization.

Special attention should be paid to the emerging career occupation of a tech lawyer. [17]. Among other areas of legal education and improving its quality, it is necessary to highlight the prevalence of practical orientation in training lawyers. The analysis of foreign practice allows us to conclude that, in most foreign universities the practical part prevails over the theoretical one, which cannot be said with certainty about the domestic system of legal education. By the way, in Australian law schools teaching of legal disciplines is student-oriented [14]. It is noted that it is necessary to increase the level of training of lawyers in the field of negotiations and interviews with clients. It is important that law students feel like lawyers from the very beginning of their legal education [18].

Digital transformation of education, including higher legal education, involves seeking the most effective methods to teach law and their implementation in the educational process. In our opinion, such a technique as the active use of video cases in seminars has shown its effectiveness. Foreign authors also note the need for extensive integration of digital educational materials into the educational process, in particular, viewing videos of real testimony or court proceedings [16].

Undoubtedly, the legal profession needs significant modernization, which, in fact, is facilitated by legal education digitalization. World practice, the latest world standards, digitalization challenges spark a dual thought: on the one hand, we have to state the conservatism of law and, on the other hand, its flexibility, dynamism, as a result of which the teaching of law can and should adapt to current digital realities. Digital reality requires a modern lawyer to have the skills to ensure information security (cybersecurity), competence in the use of artificial intelligence in various fields, possession of various digital forensic technologies, etc. So, for example, in the legal departments of PAO Sberbank, it is mandatory to undergo training in artificial

intelligence, Big Data and digital skills, and some legal department employees already learning Python programming [15].

Cooperation with leading IT companies can also be useful in terms of involving them in the process of making changes and adjustments to the curricula of bachelor’s, master’s and postgraduate studies, taking into account their professional competencies.

In the Republic of Armenia, the Government Resolution on digitalization processes has been adopted. Nevertheless, we consider it expedient to adopt a separate decision/concept/strategy in the field of digitalization and a specific action plan for introducing digital technologies into the higher education system, as well as a roadmap for legal education digitalization in the Republic of Armenia, indicating crucial digital competencies of a modern lawyer and requirements for the teaching process with introduction of innovative methods.

The state program for the education development up to 2030 (annex of the Decree of the Government of the Republic of Armenia No. 1363-A of August 18, 2021), presented by the RA Ministry of Education, Science, Culture and Sports and stipulating that the “development of the national education system corresponding to regional and global processes is the current imperative” is being discussed in public nowadays. “Promoting scientific research to provide teachers with methodological assistance and innovative knowledge” is fixed as one of the crucial directions to develop the education system in the context of digitalization. The program stipulates differentiation of curricula, forms and methods of education organization, which, in particular, will certainly affect law training.

The experience of the Republic of Belarus in this sphere is rather interesting. The “Digital curator” educational program is successfully implemented there: it helps teachers to use technological and information innovations, as well as digital tools in the educational process.

As for the post-Soviet space countries, it is necessary to pay attention to the experience of the Republic of Kazakhstan in digitalizing education.

Thus, since 2011, Kazakhstan has been implementing the “E-Learning” project, aimed at providing school and higher educational institutions with digital educational content to ensure distance and mixed types of education. Integration of multimedia, info-communication and pedagogical technologies is a distinctive feature of such content [13].

Regarding the Russian normative legal base, it is necessary to point out the List of key competencies of the digital economy approved by the Order of the Ministry of Economic Development of Russia in January 2020, among which, in particular, communication and cooperation in the digital environment; self-development in conditions of uncertainty; creative thinking; information and data management; and critical thinking in the digital environment. We should mention positive changes in this direction, namely, digital competencies have been introduced into the Federal State Educational Standards of Higher Professional Education at bachelor’s levels. So, for instance, the Federal State Educational Standard of Higher Professional Education 3++ for the educational program 40.03.01 “Jurisprudence” (qualification degree “bachelor”) fixes the following general professional competencies: capable to purposefully and effectively obtain legally relevant information from various sources, including legal databases, and solve professional tasks using information technology and taking into account information security requirements; understand principles of modern information technologies and use them to solve problems of professional activity. Professional competencies directly formed by the student are determined by organizations independently on the basis of relevant professional standards. In this regard, we consider it necessary to intensify the process of revising the list of professional competencies in higher educational institutions, taking into account their adaptation to conditions of rapidly developing digital reality and compliance of graduates’ competencies with requirements of reality and requests of potential employers.

Many higher educational institutions have undergraduate courses “Information technol-

ogy in law”; however, we find it reasonable to conduct a special course on the problems of digital (information) law.

According to P.S. Avetisyan and N.S. Gevorgyan, “the basis of transformation into an innovative educational environment is digitization of materials, development of new programs and revision of existing ones in connection with the new economic picture, as well as inclusion of online learning, which can have both mixed forms of education (combining online lectures and offline seminars at the university) and full-fledged online courses” [1, p. 498].

However, in the context of gradual digital transformation of education, in particular, legal education, there have been no changes in the requirements imposed on the teaching staff. The provisions of Article 46 of the Federal Law “On education in the Russian Federation” have remained unchanged, namely, “the persons who have secondary vocational or higher education and meet qualification requirements specified in the qualification directories and (or) professional standards has the right to teach”. We believe it reasonable to change the current version of Article 46 of the above-mentioned law, supplementing it with requirements regarding digital competence of the teaching staff.

To continue the analysis of the competencies formed by graduates of the field of training “Jurisprudence”, it is necessary to single out a general professional competence, provided for by the Federal State Educational Standard of Higher Professional Education, such as “Legal expertise GPC-3: capable to participate in expert legal activity within the framework of the task”. However, it should be noted that most curricula of law faculties of higher educational institutions have no disciplines that directly ensure formation of this competence. It seems appropriate to introduce a discipline to study the implementation of legal expertise of draft normative legal acts, contracts, etc. into the undergraduate curricula. Besides, at the premises of research centers functioning at universities leading lawyers-teachers together with students can provide direct expert assistance in order to develop students’ practical skills.

On the possibility for persons without a basic legal education to take master's courses

The possibility for persons without a basic legal education to take master's courses is an important issue in the training of qualified personnel. In the system of training legal personnel in conditions of increased competitiveness, the assessment of education quality, its compliance with modern international requirements becomes crucial [7]. The analysis of the Federal Law of the Russian Federation "On education" shows that the specialty of a person does not constitute an obstacle to admission to the magistracy in the direction of training "Jurisprudence". Part 3 of Article 69 stipulates that "persons with higher education of any level are entitled to enroll in the master's degree programs". At the same time, it should be noted that there are certain restrictions for persons entering residency, which, in our opinion, seems reasonable based on the need to train qualified personnel. The issue under consideration is the result of many year observations in the process of teaching at the Russian-Armenian University, where persons without a basic legal education are admitted annually to the Law Faculty (Master's degree programs). Persons with a bachelor's degree in specialties⁶ such as journalism, psychology, dentistry, etc.⁶ are enrolled in master's degree programs at the university. Undoubtedly, this indicates the demand for the legal profession. Supporters of the current legislative provision claim that "master's programs do not aim to replace and study basic courses of civil law, administrative law, private international law, civil procedure law, arbitration procedural law and other legal disciplines from the basics" [6]. The lack of basic education among those who have entered the Master's program at the Russian-Armenian University is in some way compensated by the presence of the course "Introduction to law", which, however, in our opinion, is insufficient.

High-quality education and implementation of these master's degree programs require students to have stable knowledge of basic disciplines, which seems difficult in the context we are analyzing. We back the idea of E.V. Dadayan and A.N. Storozheva that "the Master's degree entails a deeper study of theoretical issues of the chosen profile and prepa-

ration of a student for research activities in the chosen direction" [4]. The curricula of the magistracy of the Law Faculty at the Institute of Law and Politics of the Russian-Armenian University, such as "Criminal law, criminology, penal law", "Lawyer in the field of criminal proceedings" provide for disciplines, such as "Prosecutor's supervision and judicial control over the legality of operational search activities", "Problems of judicial guarantees of pre-trial proceedings", "Problems of preliminary investigations", "Problems of qualification of crimes against life", "Problems of qualification of crimes against public service", "Problems of qualification of crimes against property", etc. A logical question arises: how master's students can succeed in the incompleteness of the above-mentioned programs without coping with disciplines of the bachelor's curriculum, in particular, an elective discipline "Scientific foundations for qualification of crimes", or mandatory ones "Criminal law", "Criminal procedure", etc. The Constitution of the Russian Federation directly establishes the right to receive qualified legal assistance. However, realization of this right seems doubtful in the case when legal assistance is provided by the specialist without a basic legal education. In connection with the above, we consider it expedient to amend the current version of Article 69 of the Federal Law "On education in the Russian Federation", establishing a mandatory requirement for a specialized (legal) education for admission to the magistracy in the field of law.

The mentioned problem is also fixed in the Presidential Decree "On measures to improve higher legal education in the Russian Federation", according to which the new state educational standards in the field of law should stipulate an increase in the number of practical activities of the basic educational program of higher professional education. Professor O.A. Zaitsev rightly notes "that, despite the widespread use of legal clinics in legal education, there remains a certain dissatisfaction of employers with practical skills of law graduates, or there is a discussion about such dissatisfaction" [5]. It is important to apply the opportunities available directly at the universities themselves; students specializing in criminal and criminal procedure law can

improve their practical skills participating in activities of the Criminology Center operating at the university (if any). It is reasonable to systematically involve interested students in activities of law and personnel departments of the university, so that students could provide legal assistance.

The development and use of modern forensic science achievements is a promising direction, as evidenced by the existence of separate master's programs. In particular, a new master's program "Forensic support and business protection" has been recently launched at the Law Faculty of Lomonosov Moscow State University. At the same time, a new master's program "Forensic science" has been launched at the Russian-Armenian University since September 2022 on the basis of the University's Criminalistics Office.

Speaking about progressive development of legal education and training of qualified personnel, we should mention the creation and functioning of research and educational centers at law faculties of higher educational institutions. According to B.E. Fishman's fair remark, "if we talk about research and educational centers (RECs), we believe their main purpose to be an integrator of scientific and educational activities and train personnel in inseparable connection with the process of research in important scientific areas. At the same time, such a center can also be considered as one of the factors of the university's development" [11, p. 115]. A research and educational center operating in the structure of a university may contain structural divisions depending on the profile orientation, each of which has its own head who determines crucial areas of the unit's functioning.

Educating persons sentenced to deprivation of liberty

Turning to the issue of legal education, we find it expedient, in connection with the increasing number of convicts wishing to obtain higher legal education, to consider its possible provision in terms of both legal and moral and ethical norms. Nowadays, the penal legislation of the Russian Federation and the Republic of Armenia, as well as the Constitutions of the mentioned states do not prohibit getting higher education by convicts.

Moreover, Article 108 of the Penal Code of the Russian Federation fixes that "with regard to available opportunities, the administration of a correctional institution is obliged to assist convicts in obtaining higher education". Article 118 of the Penal Code of the Republic of Armenia stipulates that the "Administration of a penitentiary institution takes measures to organize formal education of the convicted person according to general, professional and higher educational programs (remotely, with a partial load), as well as non-formal education in accordance with the procedure established by law". It should be noted that in the Republic of Armenia a few years ago there was a case of a convicted person sentenced to death for murder (which was later replaced by life imprisonment) receiving a legal education. The convict was engaged in the extramural studies.

The Law of the Russian Federation "On advocacy" stipulates that "a person has no right to apply for acquisition of the status of a lawyer and exercise of legal activity if:

- 1) recognized as incapacitated or with limited legal capacity in accordance with the procedure established by the legislation of the Russian Federation;
- 2) having an outstanding or unexpunged conviction for committing an intentional crime".

We believe that obtaining a legal education by a person who has committed a particularly serious crime (especially murder) will entail negative consequences of a certain kind, including, in particular, legal nihilism, discrediting of the law.

There is also an opposite point of view, according to which "the restriction of the rights both within the term of a criminal record and beyond it actually denies the possibility of correcting the convicted person, i.e. the state recognizes the inefficiency of the penitentiary system, but instead of modernizing it decides to turn a person's entire life into punishment" [9]. To a certain extent, we can agree with this in the context of the creation and availability of resocialization measures in correctional institutions, however, in our opinion, they should not run counter to ethical ideas and moral requirements for the legal profession. The above should not be considered as a mani-

festation of discrimination. There is a similar practice, in particular, regarding the restriction of convicts' voting rights. So, in 2015 a new Constitution was adopted in the Republic of Armenia, one of the innovations of which was a change in the approach to restricting the electoral rights of convicts. Thus, Article 48 of the new Constitution of the Republic of Armenia, which regulates the right to vote and the right to participate in a referendum, in part 4 contains the following provision: "Persons who have been declared incompetent by a court decision that has entered into legal force, as well as those convicted for intentional serious crimes by a court decision that has entered into legal force and serving a sentence, are not entitled to elect and be elected, as well as to participate in a referendum".

In the Republic of Belarus, for example, persons with limited or deprived of legal capacity, who have previously committed an intentional crime, cannot be admitted to advocacy.

Approximately the same approach takes place in the practice of the United States when considering candidates for admission to the bar exam. "In the USA, it is difficult, but not impossible, for a former prisoner, depending on the crime, to become a practicing lawyer. The problem is not the deprivation of liberty, but the crime, since the admission of lawyers is carried out by state bar associations, and each state has qualifications in the style of "good moral character". Most crimes involve some degree of intentional wrongdoing, but the specific thing they're looking for is moral depravity, which broadly means being a bad person. Almost any crime can be framed as malicious intent and bad judgment, because the very act of violating any law means disregard for social rules. However, some convictions pose a bigger problem than others, for example, fraud and other crimes involving dishonesty, extortion, animal cruelty, murder, and violation of fiduciary or other duties of trust" [8].

We believe that the possibility of convicts receiving a legal education should be made dependent on the category of the crime com-

mitted and this provision should be consolidated at the legislative level.

Conclusions

The conducted research made it possible to identify key trends in the development of modern legal education, factors that reduce its effectiveness, as well as to outline the trajectory of further improvement in the training of highly qualified lawyers. Automation of many processes of legal activity requires specialists to have the appropriate skills, the provision of which is currently the primary task of higher educational institutions in the context of providing high-quality legal education. As a result of the above, taking into account the needs of potential employers, global trends in the field of legal education, it seems necessary to strengthen the practical component of training lawyers in higher educational institutions; the introduction of new master's degree programs, as well as relevant specialized disciplines in bachelor's degree curricula in order to develop and improve digital literacy and awareness of future lawyers; the creation of information technology centers at universities dealing with professional development of teachers; cooperation of universities with leading IT companies, which can have a positive effect in the process of training lawyers specializing in the field of digital technologies. An important direction for introducing digitalization in legal education is the active use of video cases in the educational process, the dissemination of digital educational materials (court sessions, materials of specific criminal and other cases, etc.), and the conduct of small trials in legal institutions.

At the legislative level, it is necessary to specify convicts' right to receive legal education and the possibility of their subsequent activity as a lawyer in the legal system of the state. It is also proposed to settle the issue of the category of crimes in which the convicted person retains the freedom to choose a specialty, in particular, to obtain legal education.

These and other recommendations mentioned above can contribute to further improving the quality of legal education and improving the legislation of the Republic of Armenia and the Russian Federation.

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INFORMATION ABOUT THE AUTHORS

SERZHIK S. AVETISYAN – Doctor of Sciences (Law), Professor, Distinguished Lawyer of the Republic of Armenia, Judge of the Criminal Chamber of the Cassation Court of the Republic of Armenia, professor at the Russian-Armenian University, Chairman of the Armenian Representative Office of the Regional Public Organization “Union of Criminalists and Criminologists”, Yerevan, Republic of Armenia, avetisyanserj@mail.ru

ADELINA A. SARGSYAN – Candidate of Sciences (Law), Lecturer at the Department of Criminal Law and Criminal Procedure Law at the Institute of Law and Politics of the Russian-Armenian University, Yerevan, Republic of Armenia, adelina-sargsyan@mail.ru, <https://orcid.org/0000-0002-2874-9676>

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