

THE RIGHT TO DEFENSE OF THE MINOR SUSPECTS AND ACCUSED IN THE CRIMINAL PROCEDURAL LEGISLATION OF THE RUSSIAN FEDERATION

Zinaida I. Koryakina¹

Alexander S. Shatalov²

Abstract: the relevance of the study is due to the problem of the alienation of criminal procedural regulation from the social and legal realities that determine the specifics of the realization of the right to defense of a minor who is being prosecuted. The right to defense, as the norm and principle and legal priority for the defense, permeates all criminal proceedings. In this regard, this article is aimed at determining the content of the right to defense of a minor suspect or accused, identifying some significant shortcomings of criminal procedural regulation from the standpoint of their elimination and proposing corrective measures of normative nature. The leading approach to the study of this problem is the analysis of scientific, legal and empirical materials that make it possible to comprehensively consider the normative and law enforcement potential of criminal procedural

legislation in terms of comprehensive, full regulation of the right to defense of minors in criminal proceedings. The article contains the author's definitions of the right to defense, describes the procedural model for the protection of minor suspects and accused, reveals the main procedural differences in the provision and implementation of the right to the defense of minors; defines the procedure for clarifying the rights of minors granted by law, justifies the purpose of the criminal proceedings against minors. The materials of the article are of practical value for the establishment and application of the norms of the criminal procedural legislation in the protection of the rights and legitimate interests of criminally prosecuted persons of a minor age, regardless of their status. The present paper is part of the dissertation research devoted to the substantiation of new,

¹ North-Eastern Federal University

² Higher School of Economics National Research University

socially-oriented provisions and the corresponding practical recommendations for improving the effectiveness of the Russian criminal procedure law for persons aged 14 to 18 as the most vulnerable category of suspects and accused in criminal cases to ensure their right to defense. The obtained results represent new theoretical and practical provisions describing the main distinctive features of the right to defend a minor suspect or accused in the criminal procedure of the Russian Federation.

Keywords: minor, criminal proceedings, criminal case, crime, criminal procedure law, law, defense, right, suspect, accused, subject, model.

1. Introduction

According to the Decree of the President of the Russian Federation No. 240 of May 29, 2017, the Decade of Childhood was announced in Russia from 2018 to 2027, the main directions of which were developed on the basis of the results of the implementation of the National Strategy for Children 2012-2017. Within the framework of these acts, for the first time in the Russian Federation at the normative level, there

was declared a need for a transition to a child-friendly justice. The basis for this planned trend should be a clear procedural approach that would make the investigative, judicial and human rights bodies take procedural decisions and actions containing not only the conclusions concerning the involvement or non-involvement of the adolescent in the commission of the incriminated act, but also containing an "educational component," applied in case of an individual correction of the minor's further behavior with the active participation of the defense side. Despite such intensive activity in the field of protection of the rights of minors, a person of minor age is not always perceived as a special participant in criminal proceedings; much that is dictated by the law, takes into account, first of all, the interests of persons carrying out criminal proceedings. It should also be admitted that some wording of the legislation, due to lack of certainty, as well as a hard-to-implement nature, cannot actually be used and effectively protect the rights and interests of minors involved in criminal proceedings.

Despite the fact that the clarification of the rights by officials

conducting proceedings in a criminal case belongs to a number of criminal procedural guarantees of the right to defense, the procedure for its enforcement with respect to the rights specifically granted to minors has not been regulated. There are no guiding standards that take into account the specifics of age, the links of criminal procedural activity in the field of protection of rights and freedoms, the legitimate interests of minors subjected to criminal prosecution. With such regulations, certain conditions arise that contribute to the violation of rights, freedoms and the legitimate interests of minors in practical activity. Moreover, one cannot ignore the circumstance that the provision and realization of the right to defense of a minor has its own special subject, consisting of legal and social distinctive features established by international standards, the Constitution of the Russian Federation, criminal, criminal procedural and other laws. As the most important component of ensuring and exercising the right to defense is the maximum protection of the rights, freedoms and legitimate interests of minors, with the minimization for them of any negative consequences.

258

Using the concept of "minor" (juvenile) in the legislation and designating the status of this person as a subject of differentiated regulation, the legislators of many states established a clear legal boundary between adulthood and minority, thus forming a special group of people - carriers of specific rights and obligations [12; 30]. In the opinion of researchers, this approach is primarily due to the fact that age-related unadaptedness to changing living conditions requires its compensation with the help of special and increased legal protection for persons who have not reached adulthood [32, p.12; 71, p.3; 26, p. 144]. The Russian criminal procedure law contains Chapter 50 of the Code of Criminal Procedure of the Russian Federation "Proceedings in Criminal Cases against Minors", in the norms of which a special procedure is imposed in respect of these subjects of criminal proceedings.

As follows from the content of the norms of this chapter, they focus mainly on the procedural actions of the court and officials acting on the side of the prosecution. Thus, they are addressed, first of all, to the participants in the criminal proceedings responsible for the implementation of the

proceedings in the criminal case. Regarding the regulation of their special procedural position (status), the minors and their legal representatives are clearly paid insufficient attention in the Criminal Procedure Code of the Russian Federation. This fact is noted by many proceduralists [64; 51; 1]. For example, their studies show that the criminal procedural legislation does not comply with the international juvenile standards (including the introduction of specialization in criminal justice and restorative justice with elements of mediation, the grounds for applying procedural coercive measures, the confidentiality of criminal prosecution, etc. .) [45, p. 29].

2. Materials and methods

In the course of the study, the following general scientific and special methods were used: the statistical method, including the collection and analysis of statistical data, including the data from the materials of criminal cases and procedural decisions taken concerning them; historical-legal and logical-legal methods, which made it possible to analyze the mechanism of activity of participants in pre-trial proceedings to ensure the right to

defense; concrete sociological method that was widely used in the questioning and interviewing of investigators, lawyers; methods of system research and modeling allowed to study the category "the right to defense" more deeply, to formulate author's definitions and proposals on the basis of various theoretical concepts; the comparative-legal method allowed to formulate proposals for clarifying the content of certain norms of the Code of Criminal Procedure of the Russian Federation. The application of these methods was based on their combination with logical methods (induction, deduction, analysis, synthesis, hypothesis, analogy) and methods of argument widely used in scientific research.

3. Results

As a result of the research, the following new results have been obtained:

- definitions of the basic concepts supplementing the system of general and particular representations about the right to defense of a minor suspect or accused in criminal proceedings have been formulated;

- proposals have been developed to change the norms of the criminal procedure legislation;
- a procedural model for the protection of minor suspects and accused has been described;
- the main procedural differences have been revealed in the provision and implementation of the minors' right to defense;
- the purpose of the criminal proceedings in relation to minors has been justified.

4. Discussion

Based on the content of Article 51 of the Code of Criminal Procedure "Compulsory participation of a legal defender", depending on the individual characteristics of the persons indicated therein (age, mental or physical disabilities, the degree of proficiency in the language of proceedings, the category of the crime committed, the peculiarities of the court trial), the exercise of this right may have certain procedural, organizational and tactical characteristics. The most vulnerable among the persons listed in the above

260
article, due to age, psycho-physiological and other characteristics, is the suspect or the accused, who has not reached the age of majority. In the Code of Criminal Procedure of the Russian Federation, minors, as stipulated in part 1 of Article 420, are persons who have not attained the age of eighteen by the time the crime was committed. At the same time, clause 2 of part 1 of Article 51 of the Code of Criminal Procedure of the Russian Federation indicates the mandatory participation of a legal defender with emphasis on the status of a minor participant who is a suspect or accused at the time of criminal proceedings. Thus, if a person, who committed a crime before the age of eighteen, has reached adulthood at the time of suspicion or accusation, the participation of a legal defender is no longer needed in the literal interpretation of the law. At the same time, there may be other grounds for ensuring the obligatory participation of the defender provided for in Article 51 of the Code of Criminal Procedure.

Particular importance in the list of rights of minors involved in criminal proceedings as suspects or accused is assigned to the right to defense, the realization of which, due to age, psycho-physiological and some other legal

exceptions, acquires certain special characteristics. An analysis of the norms of the criminal procedural legislation has made it possible to identify the following distinctive features:

- special requirements to the subjects of realization of the minors' right to defense;
- special conditions (special rules) for the procedure for minors;
- an extended range of procedural rights of the minor suspect or accused;
- additional procedural guarantees of the right to defense.

Let us dwell in more detail on their characteristics.

In criminal proceedings, assistance in the implementation of the minor's right to protection is provided by the legal defender and the legal representative. In accordance with Part 2 of Article 49 of the Code of Criminal Procedure on the initiative (petition) of a minor, as well as on the ruling or decision of the court, another additional defender (non-professional) can be given to the accused minor, for example, one of the close relatives.

On the basis of the activity of the participants, contributing to the exercise of the right to defense of the suspect and the accused, it is possible to determine models of professional, non-professional and mixed defense. In the professional model, the main source of assistance in the exercise of the right to defense is a lawyer, including the cases listed in Article 51 of the Code of Criminal Procedure, when the lawyer's participation is recognized as mandatory. An unprofessional defense model presupposes the realization of the right to defense without the participation of a professional defender (a lawyer), personally by the suspect or the accused, including those who refused the services of a lawyer. It is not excluded that as a defender one of the close relatives of the accused or some other person may be admitted as a defense counsel, whose admission is requested by the accused whose participation in accordance with Part 2 of Article 49 of the Code of Criminal Procedure is allowed instead of a lawyer in the proceedings of a judge of the peace. A mixed defense model is characterized by the active participation of two sources of assistance in defense, both professional and non-professional, including a legal representative. It is

equally important for the bodies ensuring the right to defense to ensure the participation of the two representatives - a legal defender and a legal representative whose joint activities should be coordinated and mutually beneficial for the protection of the minor suspect and accused.

It should be noted that the key international legal acts, which stipulate standards for the protection of the rights and legitimate interests of persons under the age of majority, do not provide for a "triple standard" for the protection of minor suspects and accused. The Beijing Rules, for example, do not require the mandatory participation of both the legal representative and the legal defender in the criminal proceedings of minors, leaving this issue at the discretion of the national legislator [29]. In countries where alternative courts function in the resolution of criminal cases involving minors (for example, family conferences), the participation of a lawyer in the procedure is not provided at all, or is limited to a strict procedural framework (Scotland, Wales, New Zealand, etc.). In other countries, where juvenile justice is represented by a combination of specialized pre-trial and judicial bodies, either the right to use the

262
services of a lawyer (USA, Germany, Canada, Sweden, etc.) or the lawyer's compulsory participation (France, England, Belarus, Kazakhstan, etc.) is provided [32, p. 65-99; 5, p. 74-99; 33, p. 8-30; 28, p. 125-197]. Participation of the legal representatives is provided in all cases in the legislation of almost all of the abovementioned states. Differences can be observed only in the rules of admission. Consequently, in the legislation of the states mentioned, the procedural activity of a legal representative is more important in criminal proceedings in cases of minors than the participation of a lawyer.

Meanwhile, in Russian criminal proceedings, the legal representative of a minor suspect or accused, does not have sufficient rights to allow him/her to more effectively confront the prosecution. For example, such rights as: to use for the defense of a minor any means and methods not prohibited by law; involve specialists; ask the minor questions during the investigation; participate in the appointment of forensic examination and get acquainted with its results, etc.

In pre-trial criminal proceedings, a legal representative is allowed to participate only from the moment of commencement of the first interrogation

of a minor as a suspect or accused (Part 1 of Article 426 of the Code of Criminal Procedure), whereas the criminal prosecution actually begins from the stage of initiating a criminal case, i.e. long before the first interrogation. But, despite such discrepancies, the codification in the Code of Criminal Procedure of the Russian Federation of the requirement for the compulsory participation of both the defender and the legal representative in criminal proceedings against minors (article 48 and paragraph 2 of part 1 of Article 51 of the Code of Criminal Procedure) is considered by proceduralists to be one of its undoubted merits [6, p.4, 18, p.95].

According to the authors of the present paper, the importance of double defense of minor suspects and accused is overly exaggerated, because the procedural relationship between the rights and duties of a professional defender with those of a legal representative, their impact on the course and outcome of the criminal proceedings is, in fact, unequal. Obviously, the advantage in this regard remains with a professional defender. At the same time, the legislative wording (Articles 16, 48, 51 of the Code of Criminal Procedure) of the obligation of participation of a

263

defense lawyer and a legal representative presupposes their joint procedural activity in the interests of protecting the rights of a minor suspect or accused. Thus, the extended circle of participants in the protection of a minor is a combination of persons of different procedural status, whose interests and intentions must nevertheless always coincide.

The next distinctive element of the realization of the right to defense of a minor suspect and accused is the special rules envisaged in the Criminal Procedure Code of the Russian Federation for the conducting of procedural actions with his/her participation. In the pre-trial stages of criminal proceedings with respect to such rules, the most detailed regulation in the Code of Criminal Procedure of the Russian Federation concerns: procedural coercion measures (measures of restraint, arrest on suspicion of committing a crime), the production of certain investigative actions (Articles 191, 425 of the Code of Criminal Procedure) and the fact in issue (Article 421 of the Code of Criminal Procedure). In the judicial stages, special procedural rules are associated with the participation of the accused minor and

his legal representative in the court session (articles 428-430 of the Code of Criminal Procedure of the Russian Federation). Most of these rules are concentrated in Chapter 50 of the Code of Criminal Procedure of the Russian Federation.

In the title of Section XVI of the Code of Criminal Procedure, which includes Chapter 50, the legislator, using the word "characteristics", recognizes the presence of specifics in the criminal proceedings on crimes committed by minors. At the same time, according to some researchers, this "step" did not form a new vision of the juvenile process [52, p.28; 34, p. 528-530]. In particular, they state that "... despite the presence of some types of juvenile technologies in the Russian criminal proceedings, there is still no possibility of full implementation of the type of procedural model for criminal cases involving offenses by minors that is recommended by ratified international standards on restorative justice" [45, p. 12; 24, p. 5]. This leads to the fact that "... as a result, a minor offender is still considered as an object of criminal repression, and not a rehabilitation subject in its broad sense" [70, p. 44].

The attention of the legislator to the minor as a special participant in the proceedings, the impact on which should be exercised not only in the interests of justice, but also in the interests of application of corrective measures in the matters of education (based on the orientation toward preventing criminal behavior), is treated differently in the publications of the proceduralists. They propose, in particular, to establish in the Code of Criminal Procedure a separate principle on increased legal protection of minors in criminal proceedings [44, p. 11; 35, p. 101-125; 15, p. 24-26]; differentiate the status of a minor depending on the stages of the proceedings [53; 7; 19]; finally introduce elements of restorative justice into the criminal justice system on the basis of their own experience and experience of foreign states [8, p.394-398].

The solution to the problem can be presented from the following standpoint. According to the requirements of international standards of criminal proceedings involving a minor, in particular, paragraph 5.1. of the Beijing rules, "... the juvenile justice system should be aimed primarily at ensuring the well-being of the minor and ensuring that any measures of influence

on juvenile offenders are always commensurate with both the personality of the offender and the circumstances of the offense" [29]. Thus, the essence of the legal approach to minor offenders recognized by the international community, in general, can be formulated in the following way: in order to follow the ideals of humanism, justice and economy of measures of criminal repression, compulsory measures of educational influence should become priority forms of influence on such persons. To concretize this attitude, the plenum of the Supreme Court of the Russian Federation formulated a special goal in one of its operative acts according to which: "...justice for minor offenders should ensure that the measures of influence applied to them provide the maximum individual approach to the investigation of the circumstances of the committed act and are commensurate with both the characteristics of their personality and the circumstances of the committed act and contribute to achieving the maximum educational impact of the trial against minors, prevention of extremist unlawful actions and crimes among minors, and provided maximum educational impact for their re-

265

socialization, as well as protection of the legitimate interests of the victims " [36]. Consequently, the idea of the dominance of the educational component in Russian criminal proceedings in cases of minors is still taken into account.

At the same time, if in the judicial proceedings this guideline is put in the focus of the courts' work by the efforts of the highest court, then it has only indirect influence on the pre-trial proceedings. This is explained by the fact that the decisions of the Plenum of the Supreme Court of the Russian Federation in accordance with Paragraph 7, Part 7, Article 2 of the Federal Constitutional Law "On the Supreme Court of the Russian Federation" are addressed primarily to the courts and have the status of legal acts of explanatory nature adopted as a result of studying and summarizing of judicial practice. Moreover, they are not named in Article 1 of the Code of Criminal Procedure as a source determining the conduct of criminal proceedings requiring compulsory compliance and implementation. At the same time, it is one of the examples when enforcement practices are ahead of regulatory controls.

Nevertheless, since the start of the criminal prosecution the bodies and officials responsible for the pre-trial process should clearly understand the content of the procedural mission, which still implies differences in the educational and punitive impact on minors because it is impossible to avoid solving these issues in the course of procedural activity of the investigator in the case of criminal proceedings involving minors (for example, in the case of the application of the provisions of articles 158, 421 and 425 of the Code of Criminal Procedure).

Paragraph 10.3 of the Beijing Rules states that "... contacts between the law enforcement bodies and a juvenile offender are implemented in such a way as to respect the legal status of the minor, to promote the well-being of the minor and to avoid causing harm to him/her taking due account of the circumstances of the case" [29]. Thus, according to the requirement above, the educational influence on juvenile offenders should be provided from the initial stages of criminal prosecution. However, our questionnaire-based survey of investigators showed that in practice this almost never happens. The absolute majority of respondents (74.5%) believe

266

that the purpose of criminal proceedings in cases involving minors is established by Article 6 of the Code of Criminal Procedure, thus being general, without any special exceptions. From the above, it follows that law-enforcers are poorly aware of the legal and social boundaries between adulthood and minority.

It seems that if the Code of Criminal Procedure of the Russian Federation devotes a certain isolated place for the juvenile cases with the need to observe a number of special rules, then the purpose for their application should be specified. Against such a backdrop, there is a certain understatement leading to the spontaneity of the criminal procedure policy [10, p. 59], the ignorance of the need for a socially-oriented component in the conduct of such criminal cases; there is no ideological "link" that would unify special rules and centralize criminal proceedings in cases involving minors, explain the difference in the process of criminal cases of juvenile offenses from the general purpose established in Article 6 of the Code of Criminal Procedure. According to Article 6 of the Code of Criminal Procedure, criminal proceedings are designed to protect the individual from

unlawful and unreasonable accusation, conviction, restriction of his/her rights and freedoms.

The main discrepancy is seen in the special material and procedural subject to criminal prosecution and conviction, which contains a privileged basis for the application of alternative measures to influence the minor without prosecution, conviction and related restrictions. It is fair to assume that the criminal code (since they are directly related to combating crime) should not be separated from social norms, and juvenile delinquency can be one of the indicators characterizing the level of state and social development [49; 9; 66, p. 367; 46, p.174].

Another distinctive feature of the legal defense of minors is its socio-psychological burden, implying, from the ethical point of view, the personal responsibility of the participants for the use of the right to defense, the possibility of using, along with legal knowledge, a wider range of means and methods of defense that are conditioned by the fact in issue and application of special grounds for stocktaking of the proceedings [36]. Juvenile-friendly justice, as a trend of renewal of procedural activity announced in the

267

Russian Federation, is impossible without using special (in addition to legal) knowledge (psychological, pedagogical, ethical, medical and other) necessary to adequately influence juvenile offenders [47, p. 63; 17; 48, p. 210-256; 11; 53; 23; 25, p.19; 38, p. 65]. For example, the issues of education of a minor, assessment of the degree of his deviancy are measured by pedagogical methods, and the conditions of his physiological and intellectual development - by medical, psychological and psychiatric [20, p. 42-48; 4, p. 11-17; 21, p.58-62]. The procedural value of the above circumstances for the defense lies in establishment of trusting relationship with the minor, in proof of mitigating circumstances, in use of milder measures of restraint (guardianship), in initiation of investigative actions, in determination of age-related ability to understand charges (the ability of the minor to adequately and consciously perceive the circumstances of the case and give his testimony, to understand the nature and significance of actions committed by or against him/her). Moreover, in criminal proceedings involving the crimes of minors, within the framework of the right of the defense to use other means

and methods not prohibited by law, as well as establishing living and upbringing conditions for minors, it is possible to involve representatives of the public (public organizations, human rights organizations, for example, the Commissioner for Children, socially oriented non-profit organizations with juvenile specialization, media, etc.). According to the forecast of some researchers, the opinion of the public will have a greater and official significance if the institution of mediation is introduced into the criminal process, including cases involving minors with elements of restorative justice [18, p. 5; 3, p. 103-126; 16, p. 161-165; 27; 42].

The presence in the process of realization of the right to defense of social aspects can also be illustrated by practical examples when lawyers along with the defense of a minor, on their own initiative, conduct educational work with him/her. In this respect, it is worth mentioning the criminal case that has been studied in the context of the present research, according to which the lawyer, Y., was able to achieve (instead of the detention) a personal guarantee for a minor defendant (Article 103 of the Code of Criminal Procedure) under his

own responsibility. Further, the minor, M., staying in Y's home for the time of the investigation, Y. conducted preventive work with him: conducted confidential conversations, organized pedagogical testing (according to the method of Lichko), etc. Later, the results he obtained, confirming the presence of individual qualities in a minor that could be corrected by educational measures, were included by the investigator in the indictment [54]. The authors of present paper also found examples when a lawyer submitted an application to the investigator for the need to make a recommendation on the elimination of circumstances that provoked the commission of a crime in accordance with Part 2 of Article 158 of the Code of Criminal Procedure of the Russian Federation [55] or requested the court to make a private resolution [56]. Given the importance of the presence of an educational element in pre-trial proceedings for minors, this experience of the lawyer must certainly be recognized as positive and worthy of attention.

Unlike the Russian criminal procedure law, where the importance of preventive actions in respect of minors is not particularly emphasized, in

legislation of other states (for example, Germany), along with human rights activities, one of the tasks of the advocate involved in juvenile cases is the promotion of educational nature of juvenile criminal proceedings; that is, the choice of the most appropriate measure of influence on the offender [35, p. 105]. It should be noted that fragmentary attention to the educational influence on the minor by the lawyer is still paid in the domestic legal literature (but not in the Russian legislation) [66, pp. 24-25; 4, p. 15; 49; 67, p. 107].

In the context of the ongoing fight against juvenile delinquency, advocacy could indeed contain elements of a preventive nature. Ultimately, all criminal procedure involving a minor offender should be aimed at ensuring the decent life of the adolescent in society, fostering the development of his/her personality, free from the commission of crimes to the maximum extent. [29] The need for a lawyer to implement activity aimed at individual preventive work with minors is recognized by lawyers themselves - 52.4%. At the same time some of them (31.7%) believe that such an approach depends on the individual human and professional qualities of the lawyer. Investigators, on the contrary,

recognize this need only in 29.1%. At the same time, the lawyer is not among the subjects of criminal proceedings that have the right to demand that measures be taken to eliminate the circumstances and other violations of the law that have become the causes of the crimes.

In jurisprudence, there are often discussions about the need for juvenile specialization of lawyers involved in juvenile proceedings. Some researchers, without insisting on their specialization, consider that it is enough for a lawyer to independently study literature on the relevant topics and to attend classes in pedagogy, psychology and some other disciplines [46, p. 63]. A number of researchers associate the improvement of the professional defense of minors precisely with the juvenile specialization of lawyers, who, they believe, should function separately. I.V. Predeina, for example, believes that "... the issues of the specialization of lawyers in cases of minors must be resolved in the legislative order. Specialization of the legal profession is one of the elements of juvenile justice" [35, p. 113].

It should be noted that on the territory of the Russian Federation, in some of its subjects there already exist specialized law offices (for example,

"Children's Advocacy" (Yekaterinburg) and "Juvenal" (Rostov-on-Don)), but so far there are very few of them. Meanwhile, in many foreign countries a separate system of juvenile justice has been functioning for quite a long time, one of its principles being the specialization of lawyers (Great Britain, USA, France, etc.) [44].

Provided the stable financial support from the state, law offices with juvenile specialization can and should be gradually formed in all constituent entities of the Russian Federation, and, first of all, in those where the greatest number of crimes involving minors takes place. In addition, it seems appropriate to simultaneously implement a system of lawyers' attestation, stimulating additional payments for specialization, tax incentives, etc. Advocacy is an element of the general legal system, but its main difference is that it is primarily a social institution, an institution of civil society (Article 3 of the Federal Law "On the Bar and Advocacy"). In this regard, it is the legal profession that should strive to be closer to the society, first of all, to its problems and shortcomings. It is inadmissible, in the opinion of the authors, to ignore the existence of obvious specifics in cases of minors; the

possibility of obtaining qualified legal assistance of a specialized type should be freely available. A minor has the right to choose more effective, improved and substantial special defense.

The next important element of the right to defense of a minor suspect or accused, is the specificity in his/her procedural rights. Unlike the general rights specified in Articles 46 and 47 of the Code of Criminal Procedure, minor suspects or accused have the right to benefit from the assistance of a wider range of persons (legal representative, teacher, psychologist), have special procedural guarantees and their provision (during participation in investigative actions, in court proceedings, when applying procedural coercive measures), additional grounds for termination of a criminal case, etc.

In order to know their rights (the number of which is greater than that of adults), the procedural guarantees associated with them, and use them for the purposes of defense, the minor suspects or accused should be thoroughly acquainted with them. In this regard, according to part 1 of Article 11 and part 2 of Article 16 of the Code of Criminal Procedure, the clarification of the rights to the minor is the duty of the

investigator, prosecutor, and the court. According to V.S.Shadrin, "... if a person is not informed about his/her rights, and they are not clarified, then it is hardly possible to talk about their provision. Without the knowledge of the content of one's rights, the subject is not in a position to use them" [68, p. 43-44]. It is unacceptable for a minor to be unaware of the peculiarities of his/her legal position for a long time.

As the present research has shown, this requirement is not always observed properly. Based on the results of the study of criminal cases, some examples of the lawyers' comments have been found, which were documented after clarifying the rights to minors. For example, a lawyer's comment that the procedure of clarifying the rights to the minor results in "monotonous reading out of the content of the relevant article of the Code of Criminal Procedure with subsequent formulation of the question of whether the subject is aware of his rights" [58] or a comment that "the rights are not clarified in full" [57; 59; 60].

The authors of the present paper believe that the duty of the investigator to explain the rights implies not simply "reading" them from the text of the Code of Criminal Procedure. The main task of

clarification is to help understand their meaning, to disclose the content and the legal consequences that may occur if implemented, and, finally, to ensure that the minor can use his/her rights. The knowledge of one's rights and the effectiveness of their implementation depend not only on professional legal assistance or the minor's own intellectual abilities, but also on the assistance of the investigator in charge of conducting the proceedings of the criminal case.

According to some researchers, such passivity on the part of investigators is caused by a formal approach to the fulfillment of their responsibility for explaining the rights [61, p. 46; 40, p.15]. In academic literature, there are also suggestions that it is especially important to single out and describe in detail the responsibility of for securing the rights and interests of the participants in the process; this supplement can contribute to strengthening the investigators' responsibility for observing procedural guarantees [41, p. 246; 62]. At the same time, Part 1 of Article 11 and Part 2 of Article 16 of the Code of Criminal Procedure of the Russian Federation include the duty of specific officials to

explain to participants in criminal proceedings their rights, although without describing the corresponding mechanism.

It is also important that, due to age and other peculiarities, it is difficult for a minor to understand and comprehend the essence of his/her rights immediately (due to the fact that they are expressed in legal terms difficult for understanding) as well as the possible options for their use in the course of defense. This case can be illustrated by an example from the judgment of the European Court of Human Rights (Case *S.C. v. The United Kingdom* of 15 June 2004) in the case of States observing Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (provides for the right to fair justice), which noted that "one cannot demand that a minor understands absolutely everything that happens in legal situations, since even an adult (without a special legal education) often cannot fully understand what is happening. At the same time, the accused minor should be able to understand what is happening in a general sense: including the nature of the process itself and its possible consequences, as well as

what is said by the court, the prosecutor and witnesses "[2, p. 54].

The Resolution of the Plenum of the Supreme Court of the Russian Federation contains a guiding explanation that "the rights provided for by the Code of Criminal Procedure of the Russian Federation should be clarified in the amount determined by the procedural status of the person against whom the proceedings are conducted, taking into account the stages and characteristics of the various forms of judicial proceedings" [37]. Articles 46 and 47 of the Code of Criminal Procedure of the Russian Federation, containing the rights of the suspect and the accused, do not include the rights of minors in the status of the suspect or the accused. For more detailed analysis, one can address to Chapter 50 of the Code of Criminal Procedure, which regulates the features of judicial proceedings in criminal cases of this category. However, it does not contain all the norms concerning the rights of minors. They are scattered unsystematically throughout the Code (for example, in articles 27, 48, 51, 96, 98, 105, 108, 113, 132, 154, 188, 191, 280, 397, etc.).

In general, the rights of a minor suspect or accused in the Code of

Criminal Procedure can be classified into two groups: general, stipulated in Articles 46 and 47 of the Code of Criminal Procedure of the Russian Federation and special, arising from the characteristics of pre-trial and judicial proceedings in criminal cases on crimes committed by minors. Accordingly, in the cases established by law, all the rights of the minor suspect or accused, that is, both general and special, must be explained. In other words, in addition to the general rights specified in Articles 46 and 47 of the Code of Criminal Procedure, clarification should be provided of their special rights related to:

the obligatory participation of a professional legal defender - a lawyer (clause 2 of part 1 of Article 51 of the Code of Criminal Procedure);

the mandatory participation and admission of the legal representative (Articles 16, 48, 426, 428 of the Code of Criminal Procedure);

the application of measures of procedural coercion under special rules (Article 423 of the Code of Criminal Procedure);

the fixation of procedural costs (part 8 of Article 132 of the Code of Criminal Procedure);

summoning to the investigator, to the court (Article 424 of the Code of Criminal Procedure);

the participation of a teacher and a psychologist (Article 425 of the Code of Criminal Procedure);

the hearing of the criminal case as a separate proceeding (Article 422 of the Code of Criminal Procedure);

conducting of investigative actions under special rules (Article 425 of the Code of Criminal Procedure);

a set of circumstances that are subject to proof (parts 1 and 2 of Article 421 of the Code of Criminal Procedure);

medical examination (part 4 of Article 421 of the Code of Criminal Procedure);

the analysis of the state of health (part 3 of Article 421 of the Code of Criminal Procedure);

the termination of the criminal case on grounds alternative to conviction and punishment (articles 427, 431 of the Code of Criminal Procedure, articles 90 - 92 of the Criminal Code);

the mitigation of guilt and punishment (articles 60-61 of the Criminal Code of the Russian Federation);

the refusal to acquaint the minor with those materials of the criminal case

that may have a negative impact on him/her (part 3 of Article 426 of the Code of Criminal Procedure);

with other procedural circumstances (for example, related to the restriction of the use of certain differentiated types of criminal proceedings provided for in Chapters 32.1, 40, 42 of the Code of Criminal Procedure of the Russian Federation).

According to the results of the questionnaire survey conducted within the present study, more than half of the investigators (56.5%) noted that in their practical activity they explain to minors only their general rights provided for in articles 46 or 47 of the Code of Criminal Procedure. Some of the respondents noted that the additional rights of minors are not clarified, since the law does not require this. The authors of the present paper believe that these circumstances can have a negative impact on the effectiveness of law enforcement activity, since "...ignoring the specifics of the judicial proceedings of juvenile cases, obviously leads to the incomplete character of proceedings" [13, p. 5]. In other words, there is a significant drawback in clarifying the rights granted to minors by federal law, which clearly does not contribute to the

comprehensiveness and completeness of securing the right to defense. It should be taken into account that the "right to defense" means not only the direct participation of a lawyer or other person in a criminal proceeding in accordance with the requirements of Articles 50-51 of the Code of Criminal Procedure, but also the specific rights of the suspect, accused, or defendant to realize his/her right to defense. And the nature, character and content of these rights of a minor are much broader and more specific than that of adult participants in a case with a similar status. In order to eliminate this shortcoming, the Code of Criminal Procedure of the Russian Federation should provide for normative prescriptions obliging the relevant participants in criminal proceedings in the event of occurrence of cases involving the participation of a suspect or accused, explain not only the general but also the special rights.

The procedural documents used in the criminal proceedings against minors also need to take this specificity into account. The analysis of the materials of criminal cases has shown that in the forms on which certain procedural documents were drafted (including the protocol of detention, the

decision to bring to trial a person as an accused, the protocol of the clarification to the suspect or accused the right to defense, the protocol of admission of guilt, etc.), there was no mention of special rights, which the law granted to minor suspects and accused. Due to a considerable number of these rights, not all investigators are capable of reproducing them from memory. Consequently, the special rights of minor suspects or accused, as an integral part of ensuring and exercising the right to defense, are not clarified in the course of investigative and other procedural actions. The situation is also complicated by the fact that the very process of explaining the rights to the suspect and the accused is virtually uncontrolled.

Another distinguishing feature of the right to defense of a minor is its imperative (i.e. mandatory) provision and maintenance. According to N.A. Kolokolov, this is "a bright symbol of democracy, humanism and justice of the modern Russian criminal process in the interests of the full protection and defense of subjective procedural rights and freedoms of man and citizen" [22, p. 10].

According to clause 2 of part 1 of Article 51 of the Code of Criminal

Procedure of the Russian Federation, if the suspect or the accused has not reached the age of majority, the participation of a legal defender for the realization of the minor's right to defense is mandatory.

In the theory of law, the assessment of the regulatory requirements subject to mandatory implementation is based on the concepts of dispositive and mandatory right. Mandatory norms, unlike dispositive ones, are characterized as rigid, not allowing deviations from the rules, mandatory for all the participants [39, p. 42]. These norms are expressed in categorical prescriptions, excluding any alternative actions on the part of the participants in the legal relationship and entailing negative legal consequences in case of their violation [11, p. 29].

The mandatory nature of the realization of the right to defense of minors excludes the operation of the norms of Article 52 of the Code of Criminal Procedure regulating the procedure for refusal of the defense counsel (for example, by analogy with parts 3 and 4 of Article 50 of the Code of Criminal Procedure). The compulsory participation of a legal defender in criminal cases on juvenile crimes is

related to Part 3 of Article 55 of the Constitution of the Russian Federation, according to which "the rights and freedoms of a person and citizen can be limited by federal law only to the extent necessary to protect the foundations of the constitutional order, morality, health, rights and legitimate interests of others, ensuring the country's defense and the security of the state." These circumstances also explain the so-called coercion of a minor suspect or accused of exercising the right to defense, in which some researchers see a violation of the rights of the individual [64], which cannot be accepted by the authors of the present paper.

5. Conclusion

The analysis of the theoretical basis has made it possible to define the right to defense as a legal instrument guaranteed and provided by the authorized bodies by virtue of a special normative provision, which is used by criminally prosecuted persons, either personally or with the assistance of a lawyer and/or a legal representative, for the purpose of defense from unlawful and unreasonable suspicion or accusations, convictions, restrictions of

rights and freedoms or legitimate interests.

In the proceedings on the crimes of minors, the right to defense is a legal instrument provided by mandatory authorities for the purpose of defense from criminal prosecution and conviction used by a minor suspect or accused, as well as by a person against whom a crime report check is being conducted with the participation of counsel and a legal representative, taking into account the special procedure established by the Code of Criminal Procedure of the Russian Federation.

The specificity of the right to defense realized by minor suspects and accused allows considering it as a legal instrument with such distinctive features as: special participants of the criminal case, general and special set of rights of the minor, the social aspect of the defense process as a whole, additional obligations and procedural guarantees associated with it.

As the comparative analysis of the procedural position of the participants of the defense has shown, the procedural model for the defense of minor suspects and accused in the Russian criminal trial can be classified as a mixed one, since it involves a

combination of two types: professional (represented by a lawyer) and non-professional (represented by a legal representative) defense. The procedural ratio of these types indicates that the criminal procedure law gives priority to the defense counsel for the defense of a minor. Consequently, it can be argued that the national model for the defense of minor suspects and accused is mixed but features a prevailing professional character.

The inalienability of the right to defense from the guarantees of its implementation implies the duty of clarification by the investigator, the court and the prosecutor to the minor suspects or accused of their rights and at the same time serves as the basis for their observance. In order to achieve this goal, it is proposed to introduce a new part in Article 420 of the Code of Criminal Procedure of the Russian Federation providing for the clarification by the court and investigator to the minor suspect or accused of the rights provided for not only in Articles 46, 47, but also 48, 50, clause 2 of part 1 of Article 51 of the Code of Criminal Procedure of the Russian Federation taking into account the specifics of the criminal proceedings

provided for by Chapter 50 of the Code of Criminal Procedure.

A comprehensive juvenile criminal procedure is possible only if its purpose is clarified, explaining the reason for its classification as a special procedure and embodying the main directions of the criminal procedural policy in this sphere. Accordingly, it is proposed to complement article 420 of the Code of Criminal Procedure with a new section stating that the criminal proceedings against minors presuppose the need to establish all the circumstances related to the living and upbringing conditions of the minor, his/her state of health, other factual data, as well as the causes and conditions of the commission of criminally punishable acts, with the purpose of resolution of a lawful and just sentence and taking other measures provided by law, as well as exercising educational influence on minors.

References

Avialani, K.A. Features of pre-trial proceedings in criminal cases against minors. Diss. ... cand. jurid. sciences. Kemerovo, 2009. 237p.

- Agaltsova, M.V. The development of juvenile justice in the countries of the Council of Europe / Improving the mechanisms of working with juvenile offenders in the Russian Federation. Collection of analytical materials. M.: Informpoligraf, LLC. 2010. P.p.52-59.
- Arutunyan, A.A. Mediation in criminal proceedings. Moscow: Infotropic Media, 2013. 200 p.
- Balakina, V.S. Features of the lawyer's work with under-aged clients // Prospects for the development of juvenile law and juvenile justice in the Russian Federation: materials of the All-Russian Scientific and Practical Conference / Comp. L.A. Chikin, A.V. Yakovlev. Pomor State University named after M.V. Lomonosov. Arkhangelsk: Pomor University, 2008. P.p.11-17.
- Bydantsev, N.A. Termination of criminal prosecution (case) against a minor with the use of compulsory measures of educational influence in the aspect of juvenile justice: monograph. M.: Shumilova I.M. Publishing house, 2008. 159 p.
- Borisevich, G.Ya. On the implementation of the ideas of juvenile justice in the criminal justice of Russia // Bulletin of Perm University. Juridical sciences. 2015. № 1 (27). P.p.93-104.
- Borovik, O.V. Peculiarities of pre-trial proceedings in criminal cases in relation to minors: diss ... cand. sc. (jurisprudence). M., 2006. 176p.
- Vasilenko, A.S. Use of elements of restorative justice in criminal proceedings against minors in Russia and the USA / A.S. Vasilenko, L.T.Chikhladze, S.M. Naurzalieva // Man: crime and punishment. 2017. Vol. 25 (1-4). № 3. P.p. 394-398.
- Vaske, E.V. Evolution of juvenile delinquency in Russia: a psychological and legal analysis. Moscow: Genesis, 2010. 428 p.
- Volodina, L.M. Problems in the theory of the criminal process / Collection of articles on the materials of the International Scientific and Practical Conference "Scientific School of Criminal Process and Criminalistics of St. Petersburg State University and Modern Legal Science". Krasnoyarsk:

- Center for Social and Legal Technologies, 2016. P.p.59-68.
- Volynskaya, O.V. Termination of the criminal case and criminal prosecution: theoretical and organizational and legal problems: monograph. Moscow: Unity-Dana: Zakon I pravo, 2007. 256 p.
- The Universal Declaration of Human Rights (adopted at the third session of the UN General Assembly by resolution 217 a (III) of December 10, 1948) // The Garant system. [Electronic resource].
- Gukovskaya, N.I., Dolgova, A.I., Minkovsky, G.M. Investigation and trial of cases of crimes of minors. M., 1974. 290 p.
- Dudina, A.N. The concept and signs of peremptory norms of law (theoretical and legal analysis). // Izvestiya of the Irkutsk State Economic Academy (Baikal State University of Economics and Law). 2015. Vol.6, №2. P.p.22-31.
- Dikarev, I.S. The principle of increased protection of the rights and legitimate interests of minors // Russian Justice. 2007. № 5. P.p. 24-26.
- Zabuga, E.E. Mediation as an alternative form of criminal prosecution of minors. Diss. ... cand. jurid. sciences. Omsk, 2014. 261 p.
- Kalugina, N.G. Ethical bases of separate investigative actions in cases of crimes of minors. Abstract of diss. Cand. sc. (jurisprudence). Izhevsk, 1996, 24p.
- Koludarova, O.P. Production in criminal cases against neglected minors of suspects, accused. Abstract of diss. Cand. sc. (jurisprudence). Izhevsk, 2011. 29 p.
- Kiryanina, N.A. Ensuring the rights of minors in criminal proceedings in the stage of the criminal case: Author's abstract of dissertation ... Cand. sc. (jurisprudence). Nizhny Novgorod, 2010. 28 p.
- Kirsanov, V.N. Psychopathology of adolescence / Support for juvenile justice: a methodical manual for judges. Saratov: Publishing house "Saratov State Academy of Law", 2003. P.p.42 - 48.
- Konin, V. V, Mukhina, G.A. Protection of minors: establishment of

- psychological contact / Actual problems of criminal proceedings in relation to minors: materials of the All-Russian Scientific and Practical Conference (November 23, 2007). Kaliningrad : Ministry of Internal Affairs of Russia, 2008. P.p. 58 - 62.
- Kolokolov, N.A., Revina, I.V., Ryabinina, T.K., Chebotareva, I.N., Eriashvili, N.D. Lawyer in criminal proceedings. M. : Unity - Dana: Zakon I pravo, 2012. 375 p.
- Kostina, L.N. Features of interaction of the investigator with the officers of the inquiry and the psychologist in enhancing the effectiveness of the investigation and prevention of juvenile crimes. Human and civil rights and freedoms: Actual problems of science and practice: Proceedings of the II International Scientific and Practical Conference. Orel: ORAGS Publishing House, 2011. P.p.299 - 307;
- Kolpakova, L.A., Rudakov, A.M. The system of juvenile justice in Russia and abroad: monograph. Vologda: Vologda Institute of Economics and Law of the Federal Penitentiary Service of Russia, 2016. 109 p.
- Levchenko, O. V., Mishchenko, E. V. Legal basis for criminal proceedings in relation to minors: Monograph. Moscow: INFRA-M, 2012. 125 p.
- Lunichev, E.M. The status of a minor in criminal law: monograph / otv. Ed. AI Chuchayev. Moscow: Prospekt, 2012. 144 p.
- Makhov, V.N., Vasilenko, A.S., Chebukhanova, L.V. Elements of Restorative Justice in Criminal Proceedings // Bulletin of Perm University. Juridical sciences. 2017. № 35. P.p.107 - 121;
- Markovicheva, E.V. Juvenalnoe criminal justice proceedings. Models, functions, principles: monograph. M. : UNITY-DANA: Zakon I pravo, 2010. 271 p.
- The UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (adopted by UN General Assembly Resolution 40/33 of December 10, 1985) // The Garant System. [Electronic resource].

International Covenant on Civil and Political Rights of December 16, 1966 // SPS "Consultant Plus". [Electronic resource].

Convention on the Rights of the Child (New York, November 20, 1989) // The Garant System. [Electronic resource].

Melnikova, E.B. Juvenile justice: problems of criminal law, criminal procedure and criminology: Textbook. Moscow: Delo, 2001. 272 p.

Nagaev, V.V. Juvenile justice. Moscow: Unity-Dana: Zakon I pravo, 2009. 252 p.

Prozumentov, L.M. Criminal policy in relation to minors / Gaps in legislation and ways to overcome them: Collection of scientific articles on the results of the International Scientific and Practical Conference September 14 - 15, 2007 / Ed. V.I. Kantina, S.V. Izosimov, A. Yu. Chuprova. N. Novgorod: Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2008. P.p. 528 - 530.

Predeina, I.V. Legal and theoretical bases of development of juvenile justice

in Russia: Author's abstract of dissertation ... Cand. sc. (jurisprudence). Saratov, 2006. 210 p.

Decree of the Plenum of the Supreme Court of the Russian Federation of February 1, 2011 No. 1 "On judicial practice of applying legislation regulating the specifics of criminal responsibility and punishment of minors" // Bulletin of the Supreme Court of the Russian Federation. №4. 2011.

Decree of the Plenum of the Supreme Court of the Russian Federation of 30 June 2015 No. 29 "On the practice of courts applying legislation that provides the right to protection in criminal proceedings // SPS" Consultant Plus ": Version of Prof. [Electronic resource].

Pozdnyakov, V.M. Psychological aspects of the boundaries of the humanization of criminal and penal enforcement legislation in relation to juvenile offenders // Bulletin of the Institute: Crime, Punishment, Correction. 2015. № 4 (32). P.p.64-67.

Sapun, V.A. The theory of legal means and the mechanism of the realization of

law. SPb .: SPb GUP, 2002. ("New in the Humanities" series, issue 8). 156 p.

Seroshtan, V.V. Tendencies of improving legislation in the field of ensuring rights in the criminal process of minors // *Zakon i pravo*. 2009. № 2. P.p.15-16.

Sklizkov, A.N. Interaction of the parties to criminal proceedings at the stage of preliminary investigation // *Advocacy practice*. 2007. № 3. P.p.21 - 25.

Smirnova, I.G. Social value of the Russian criminal justice: an objectified criterion for evaluation // *Social competence*. 2017. Vol. 2. № 1 (3). P.52-58.

Snegireva, N.I. Ensuring the rights and legitimate interests of minors in criminal proceedings at the stage of preliminary investigation: Author's abstract of dissertation ... Cand. sc. (jurisprudence). Voronezh, 2001, 25 p.

Spesivov, N.V. International standards for the implementation of criminal justice with the participation of minors and their implementation in the modern Russian criminal process. Author's

abstract of dissertation ... Cand. sc. (jurisprudence). Saratov, 2015, 29 p.

Stolbina, L.V., Ozerov, I.N., Severin, N.N., Domracheva, E.Yu. Ensuring the rights of juvenile suspects (accused) in static and dynamic aspects // *All-Russian Criminological Journal*. 2017. Vol.11. №1. P.p.172-179.

Stetsovsky, Yu. I. Questions of the right of a minor defendant to defense in the stage of preliminary investigation. Training. Volgograd .: Research and editorial and publishing department, 1979. 280 p.

Streltsova, E.V. Tactical and psychological bases of interrogation of underage suspects, accused: Author's abstract of dissertation ... Cand. sc. (jurisprudence). Saratov, 2007. 25p.

Sukhov, A.N. Social psychology of criminality: textbook. Moscow: Moscow Psychological and Social Institute. 2007. 568 p.

Sycheva, N.V. The introduction of the position of an attorney in an educational institution / *Problems of protection of the rights of minors and the prevention*

- of violations in the youth environment.
In 2 parts. Part 1: Sat. materials of the
International Scientific and Practical
Conference / Ed. I. Yu. Bliasova. -
Shadrinsk: ShKPI, 2010. P.p. 120 - 124.
- Solonnikova, N.V. Problems of the
procedural capacity of minors in
criminal proceedings (pre-trial
proceedings). Dissertation ... Cand. sc.
(jurisprudence). Krasnodar, 2008.
198p.
- Trunov, I.L., Aivar, L.K. Questions of
criminal policy in relation to minors //
Journal of Russian Law. №10. 2005.
P.p.27-38.
- Tetyuyev, S.V. Use of pedagogical and
psychological knowledge in criminal
proceedings involving minors. Ed. A.V.
Kudryavtseva. Moscow: Yurlitinform,
2009. 278p.
- Trashkova, S.M. The legal status of the
personality of juvenile suspects at the
stage of initiating a criminal case and
guaranteeing its implementation in
criminal cases of public accusation:
Dissertation ... Cand. sc.
(jurisprudence). Barnaul, 2006. 290 p.
- Criminal case No. 2-28-09 // Archive of
the Supreme Court of the Republic of
Sakha (Yakutia).
- Criminal case No. 1-1319-06 // Archive
of the Yakut City Court of the Republic
of Sakha (Yakutia).
- Criminal case No. 1-2813-10 // Archive
of the Yakutsk City Court of the
Republic of Sakha (Yakutia).
- Criminal cases No. 1-1231-08 //
Archive of the Yakutsk City Court of
the Republic of Sakha (Yakutia).
- Criminal case No. 1-2019-08 // Archive
of the Yakutsk City Court of the
Republic of Sakha (Yakutia).
- Criminal case No. 1-322-09 // Archives
of the Yakutsk City Court of the
Republic of Sakha (Yakutia).
- Criminal case No. 1-561-10 // Archive
of the Yakutsk City Court of the
Republic of Sakha (Yakutia).
- Usarov, M. I. The right to a complaint
as a principle of criminal procedure and
a means of protecting the rights of
minors accused and victims in the stage

of preliminary investigation:

Dissertation ... Cand. sc.

(jurisprudence). M., 2004. 178 p.

Khalikov, A.N. Questions of Observance of Human Rights and Freedoms in the Activity of the Investigator / Problems of Legal Protection of Human Values in Modern Russia. Conference materials / ed. Enikeeva Z. D. Ufa: Bashu, 2005. Part 3. P.p. 242-248.

Chashin, A.N. Juvenal justice. Ed. A.N. Chashin. Moscow: Case and Service, 2014. 112 p.

Shestakova, L.A. Criminal proceedings in relation to minors: problems of law enforcement // Economics, law, management. 2013. № 4 (4). P.p. 101-107.

Shadrin, V.S. Ensuring the rights of the individual in the investigation of crimes. M., 2000. P.p. 43 - 44.

Proceedings, Vestnik Institute: Crime, Punishment, Correction. 2014. №2. P.p.41-45. Shatalov, A.S. Ensuring the Rights and Legal Interests of Minors in Criminal

Chebotareva, I. N. Coercion of the suspect, accused of exercising the right to defense // Advocacy practice. 2016. № 5. P.17 - 23.

Chistyakov, A.A., Zinin, G. Yu. Criminological possibilities of legislative consolidation of the recidivism of minors // Man, crime and punishment. 2017. Vol. 25. №3. P.p. 363-371.

Churkin, A. V. Criminal Procedural Questions of Prevention by the Advocate of Offenses // Advocacy. 2001. №4. P.p. 24-25;

Yastrebov, O.A., Morozov, N.I., Morozova, A.N., Kornev, A.V., et al. Juvenile jurisprudence. Textbook in 4 volumes. Edited by N.I. Morozov, A.N. Morozova. Vol.3. M .: Prometey Publishing House, LLC. 356 p