RELAÇÕES INTERNACIONAIS NO MUNDO ATUAL ANO 2021
CENTRO UNIVERSITÁRIO CURITIBA - UNICURITIBA - VOLUME 3 - NÚMERO 32/2021 - CURITIBA/PARANÁ/BRASIL - PÁGINAS 186 A 198 - ISSN: 2316-2880

RIGHT TO DEFENSE AGAINST CRIMINAL PROSECUTION AND RIGHT TO A FAIR TRIAL IN SHORT INQUIRY

ALEKSANDR VIKTOROVICH GRINENKO
Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of the Russian Federation (MGIMO-University) - Russia

DMITRII ALEKSANDROVICH MAKAROV
Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of the Russian Federation (MGIMO-University) - Russia

ARTEM IGOREVICH NERYAKHIN
Vladimir State University named after Alexander and Nikolay Stoletovs (VlSU) – Russia

VASILY DZHONOVICH POTAPOV
Pitirim Sorokin Syktyvkar State University (SyktSU) - Russia

ABSTRACT

Objective: The purpose of this article is a comprehensive study and assessment of the current state of legislative regulation and the practice of applying the procedural procedure for ensuring the right to protection during the conduct of an inquiry in an abbreviated form, determining ways to resolve the accumulated theoretical and practical problems of implementing this activity, and on this basis developing proposals for improving criminal procedural legislation in the field under study and improving the effectiveness of law enforcement practice. **Methods**: The use of scientific methods allowed us to formulate an integral procedural mechanism for ensuring the right to protection during the investigation in an abbreviated form. **Results**: The article focuses on issues in ensuring the right to defense against criminal prosecution and right to a fair trial during a short inquiry with reference to the study of Russian and foreign criminal law and law enforcement practices. **Conclusion:** The authors proposed a new comprehensive approach to ensuring the right to protection during the investigation in an abbreviated form. Special attention is paid to the problems that law enforcement agencies often encounter. Regulatory proposals in the field of law enforcement have been developed.

Keywords: Crime. Investigation. Rights and legal interests of the parties. Investigator. Pre-trial proceedings. Protocol for pre-trial preparations.

Relações Internacionais do Mundo Atual Unicuritiba.
[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

O DIREITO E UMA DEFESA CONTRA A AÇÃO PENAL E O DIREITO E UM JULGAMENTO JUSTO EM UMA INVESTIGAÇÃO SUMÁRIA

RESUMO

Objetivo: O objetivo deste artigo é um amplo estudo e avaliação do estado atual da regulamentação legislativa e da prática processual para garantir o direito à defesa no curso da investigação de forma abreviada, identificando formas de resolver problemas teóricos e práticos acumulados da implementação desta atividade, e com base nisso desenvolver propostas para melhorar a legislação processual penal na área em estudo e melhorar a eficácia da prática processual. **Métodos**: O uso de métodos científicos tornou possível formular um mecanismo processual holístico para garantir o direito à defesa no decorrer da investigação de forma reduzida. **Resultados:** O artigo examina as questões de garantia do direito de defesa contra processos criminais e o direito a um julgamento justo durante investigações de curto prazo, envolvendo um estudo do direito penal russo e estrangeiro e da prática da lei. **Conclusão**: Os autores propuseram uma nova abordagem complexa para garantir o direito de defesa durante a investigação a curto prazo. Uma atenção especial tem sido dada aos problemas frequentemente encontrados pelas agências de aplicação da lei. Foram desenvolvidas propostas de regulamentação na área de aplicação da lei.

Palavras-chave: Direito a um julgamento justo. Julgamento sumário. Procedimentos prévios ao julgamento. Protocolo de preparação do julgamento. Direito à proteção contra acusações.

1. INTRODUCTION

The essence of the relation between an individual, the society and the State is that having united in a societal structure people obtain the possibility to ensure their safety through special authorities. Meanwhile, the government, which ensures the safety of society and its individuals, has a certain power in different spheres.

The criminal justice system as one of the most important government mechanisms implies the permission to restrict the rights, freedoms and legal interests of parties. That is why individuals and legal entities can exercise their rights for defense and also appeal for help from qualified specialists. The State shall ensure their access to justice as well.

Human rights activities are intertwined with ensuring access to legal assistance, justice, legal defense as in international law. As for the Russian legislation, Art. 48 of

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

the Constitution stipulates that every citizen is guaranteed the right to qualified legal assistance. However, the criminal law doctrine poses many issues referring to the advocacy, its peculiarities, and the independent status of a defense counsel. Moreover, current definitions of defense in simplified forms of criminal proceedings do not cover its intrinsic features.

The Russian Constitution states that the rights and freedoms of citizens are of the supreme value (Art. 2). This provision is elaborated in Art. 6 of the Criminal Procedure Code as follows: criminal proceedings aim to protect the rights and lawful interests of persons and to protect them from unlawful and ungrounded accusations. It follows that a credible legal instrument for the protection of the rights of the accused (and suspects) is of dual use: firstly, it aims to protect the rights, freedoms and lawful interests of persons involved in criminal proceedings, and, secondly, it is aimed at effective and complete investigation of criminal cases.

These days, there are mechanisms aimed at implementing nearly every principle of criminal procedure. This includes the principle described in Art. 16 of the Criminal Procedure Code: the suspect or the accused has a right to defense that may be exercised themselves or with the assistance of a council for the defense. On the other hand, there is no effective mechanism to implement this principle in simplified investigation procedures and in short inquiries introduced to the Criminal Procedure Code in 2013. It is generally recognized that the possibility to simplify pre-trial procedures in the investigation of minor crimes is a controversial issue since the number of such crimes increases every year. In such cases, shortening pre-trial procedures entails a violation of rights and lawful interests of suspects and the accused parties.

2. MATERIALS AND METHODS

In this research, we used mainly the general systematic scientific method which helped formulate a holistic procedural mechanism to ensure a defense to prosecution in short inquiries. Also, we used legal research methods, e.g. historical and legal method (to study the development of the short inquiry with regard to a defense to prosecution); comparative legal method (to study international legal standards and foreign practices in ensuring a defense to prosecution in simplified pre-trial procedures

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

in criminal cases; it helped define potential areas for the implementation of certain mechanisms in the Russian practice to ensure a defense to prosecution in short inquiry); formal legal method (to characterize the current situation in ineffective provision of a defense to prosecution in short inquiry; to analyze and classify the correspondent problems and suggest solutions); analysis and synthesis (to obtain real data on criminal procedure regulation of investigative bodies, the court, and advocacy in the provision of a defense to prosecution in short inquiry); sociological method (to conduct an empirical research based on the results of the questionnaire; the survey was conducted among inquiry officers, procurators, judges, and attorneys); research in legal techniques (to formulate and suggest amendments to the current criminal procedure legislation in order to improve the provisions which cover the provision of a defense to prosecution in short inquiry).

3. RESULTS ANALYSIS

We can distinguish six stages in the development of the preliminary investigation in criminal cases.

The first stage (the so-called pre-Petrine period) lasted for several centuries (1016–1713) when there was no unified criminal procedure act. The rights of the accused, including a defense to prosecution, were not observed and they had to prove themselves innocent.

During the second stage (the so-called non-departmental period which lasted from 1713 to 1808), the proceedings were conducted by an appointed civil servant or a commission and later by the Senate as declared by the Emperor. In this period, there was a rise in the discussion of human rights but the actions of defense counsel were not regulated.

During the third stage (the so-called departmental period which lasted from 1808 to 1860), court officers and private bailiffs were granted the authority to conduct a preliminary investigation. Later, the authority was transferred to special police divisions. Moreover, premises for the development of professional advocacy took root during this period.

The fourth stage lasted from 1860 to 1928. It was during this period that the court model of preliminary investigation began to develop. The notion of inquiry was

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

devised to signify the initial stage of searching for those who have committed a crime. After the arrival of the Soviet power, the police were granted the authority to conduct inquiry. Also, human rights defenders started to offer their services and professional advocacy came into being.

The fifth stage (1928–1938) is known for its prosecution model of preliminary investigation when the authority was seized from the court and was transferred to the public prosecution.

The sixth stage (from 1938 to date) is characterized by a mixed model of preliminary investigation procedures. The procedures are performed by the public prosecutor's office and individual investigative bodies. In its turn, the inquiry has always been in the authority of the public prosecutor's office that is why the separation of preliminary investigation from the public prosecutor's office in 2010 is not relevant to the study.

According to the researchers (Gavrilov, 2017; Gubarev, 2020; Kovalev, 2018; Malysheva, 2013; Zotova, 2016), as compared with other simplified procedures we can state that the short inquiry is an improved version of the protocol form of pre-trial procedures for materials preparation which came as a result of the theoretical and practical resolution of its internal flaws.

Having studied the researchers' views on this issue (Bezlepkin, 2017; Dolgov, 2016; Dolya, 2013; Golovko, 1995; Kachalova, 2018; Nikanorov, 2017), we can propose the definition of simplified procedures in criminal proceedings which are the procedures prescribed by the criminal procedure legislation for the investigation of criminal cases that are characterized by their independence, shortened time-frame, efficiency and effectiveness as well as by the change in the general procedural form with respect to the criminal procedure legislation.

It is possible to conclude that universally recognized principles of international law, which are based on the ideas of democracy, humanism and justice, influence significantly the content of the Russian legislation including the criminal proceedings. The main requirements of international legal acts on human rights and freedoms determine basic rights to be included in the national legislation of countries that claim to follow the rule of law.

Having studied legal literature on the matter, we can conclude that the provision of a defense to prosecution in pre-trial proceedings is based on international legal acts

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

and constitutional norms that serve to specify the current criminal procedure legislation. The nature of criminal procedure principles is a controversial issue but proceduralists (Vasiliev, 2015) argue that the system of criminal procedure principles is a coherent set of guiding mechanisms that reflect the governmental policy in the correspondent sphere. Criminal procedure principles that are based on international standards cannot be seen as declaratory norms since they have a normative nature. It is not possible to address an individual principle separately from the other since the violation of one of the principles will lead to the cancellation of procedural decisions.

Having studied scientific papers on the matter (Golovko, 1995; Naumenko, 2015; Piyuk, 2017; Volevodz & Litvishko, 2010; Yarygina, 2017), we can state that the modern international community seeks to differentiate between simplified pre-trial procedures and to deepen the notions of the suspect and the accused as well as their rights and responsibilities since it is necessary to reduce the period between the beginning of the proceedings and the final judgment. The main aim is to ensure that the reduction of time spent on the investigation does not inhibit the rights and legal interests of the suspect and the accused.

The measures to simplify criminal proceedings can be found almost in every country. Some countries emphasize pre-trial stages (mostly in the continental system) while other countries emphasize trial stages (mostly in the Anglo-American judicial system).

The Anglo-American system is characterized by a material inclination. The provision of a defense to prosecution is contingent since the main aim is to reduce the time period between the moment the crime took place and the final judgement. On the contrary, the continental system is characterized by a procedural inclination with a great emphasis on human rights and freedoms. Despite the fact that the simplification of procedures implies that the time frame is restricted, it does not interfere with the provision of a defense to prosecution when the attorney is an independent actor with a set of responsibilities.

Based on the defender's role and participation in proceedings, it is possible to distinguish countries where the defender 1) is responsible for the provision of rights and legal interests of the accused at all stages of the proceedings (the role of counsel is important): Germany, Italy, France, Poland, Czech Republic, Moldova; 2) is involved mainly in court to give an opinion on the conditions of an agreement (the role of counsel

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

is moderate): Portugal, Spain, Israel, Belarus, Kazakhstan; 3) is not involved (England, Denmark, Belgium, the Netherlands) or has a formal status to represent opposition to the prosecution in court (the USA, Georgia), the role of counsel is not sufficient in these countries.

Technically, Russia may be categorized as a member of the first group but practically it relates to the second group.

As it regards the current model of short inquiry, we suppose it may be relevant to reduce the procedures to 5 days (with respect to Italian practices), to simplify preliminary investigation procedures or to abandon them (with respect to practices in Denmark, Belgium, and the Netherlands), and to ensure a comprehensive judicial questioning of the defendant and to enhance the role of legal remedies (as in Moldova).

The actions of the defender in the material gathering during a short inquiry are more restricted than those of preliminary investigation bodies'. Many authors believe (Nazarova, 2009; Permyakov, 2016; Pikalov, 2004; Verushkina, 2018; Pushkarev et al., 2019) that it violates the adversarial principle (Art. 15 of the Criminal Procedure Code). Consequently, this issue should be studied thoroughly to amend the current criminal procedure law.

According to the survey conducted among the attorneys, principles stipulated in Art. 86, Part 3, Para. 1 and Para. 3 are not fully realized. For example, 15 respondents out of 20 argue that they are denied the access to the requested information; 3 respondents claim that they mainly receive the necessary information; 2 respondents state that they receive neither the information nor a reasoned denial.

All things considered, the short inquiry is significantly simplified as compared to the general preliminary investigation procedures in which the defense aims to challenge charges against the defendant and to commute a sentence if there is any. In our survey, the majority of inquiry officers (86%) state that the defender in short inquiry is appointed to the case and it influences the quality of legal aid.

Inquiry officers make use of the information given in explanations. The analysis of 104 criminal cases (investigated in the Ivanovo, Vladimir, and Moscow regions) shows that 100% of the suspect's explanations and 97% of the witnesses' explanations given prior to the initiation of proceedings are confirmed during the interrogation conducted under the provisions of the Criminal Procedure Code. The inquiry officers also state that in the majority of cases (98%) explanations are confirmed during the

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

interrogation conducted under the provisions of the Criminal Procedure Code. However, explanations are not used as proof in indictments. We suppose it is possible to add the definition of explanation to Ch. 19 of the Criminal Procedure Code since it would allow using explanations as proof.

In terms of the provision of a defense to prosecution for the suspect, it is possible to add to Ch. 32 of the Criminal Procedure Code the necessity to inform the suspect and his/her defender in a written form on the termination of the short inquiry. The report shall contain information on how to get acquainted with the indictment, case files, and how to file motions. We suppose that it is most effective for the suspect and the defender to act collaboratively to ensure a defense to prosecution (Pushkarev et al., 2021).

According to the survey conducted among judges, prosecutors, inquiry officers, and attorneys, a prosecutor's responsibilities in short inquiry are as follows: to monitor if inquiry bodies comply with the law and to take measures of prosecutorial response if violations occur (according to 39% of the respondents); to monitor if any violations of parties' rights and legal interests occur (according to 33% of the respondents); to monitor the time-frame of the inquiry (according to 18% of the respondents); to handle complaints on actions or lack of actions and the inquiry officer's procedural decisions (according to 10% of the respondents). Thus, the prosecutor is not responsible for enforcement measures but ensures human rights by monitoring procedural actions.

At the final stage of the short inquiry, it is suggested to delegate additional responsibilities for the prosecutor, e.g. to question the accused regarding the issues connected with judicial proceedings on an ad hoc basis; to declare if the evidence is inadmissible and to retrieve it from the indictment; to determine if the accused has incriminated himself/herself; to issue instructions for the inquiry officer to eliminate law violations in favor of the accused if there are any doubts (it is also relevant to amend Art. 226 of the Criminal Procedure Code in this respect).

In addition, it is necessary to amend the current criminal procedure legislation and to extend the right of the suspect (and the accused) to engage other people apart from the attorney who can provide qualified legal aid. According to some researchers (Dikov, 2014; Larin, 2010; Orlov, 2003; Ovchinnikov & Kuzora, 2014; Vodyanik, 2012), it is relevant to determine criteria upon which the judge may approve the motion to engage another defender.

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

During the trial, the accused can raise a defense to prosecution. Taking into consideration that in criminal cases with an indictment the judge does not question the accused, the only way to determine if the motion has been filed voluntarily is to question the accused and to determine if he/she has chosen the form of court proceedings deliberately.

It is known that in ad hoc cases the parties may request to terminate short inquiry and to start proceedings in a general order. The majority of the judges (92%) who took part in the survey argue that it is advisable to incorporate into law such provisions that would require the judge to clarify the reasons why a party requests to terminate short inquiry and to start proceedings in a general order so as to avoid law violations.

4. CONCLUSIONS

The right to defense against the prosecution and to a fair trial, which is universal and inalienable, is protected at the national and international levels. This right does not depend on whether the suspect admits his/her guilt or on the form of criminal proceedings.

The main requirements of international legal norms on short inquiry stipulate the minimum procedures that should be incorporated in countries' legislation to ensure a defense to prosecution. Once international and constitutional standards are incorporated in the Criminal Procedure Code, it will expedite the preliminary investigation and ensure a defense to prosecution for the suspect or the accused.

According to the current legislation, the defender may take indirect but lawful measures to restrain the suspect from choosing a short inquiry. For instance, the defender may refuse to sign a motion until he/she receives sufficient evidence against the suspect. Since the main aim of the defender is to provide qualified legal aid and not to declare his/her views, it is necessary to ensure that the defender does not impede the initiation of a short inquiry. Later, the defender may introduce evidence in favor of the suspect including the extent of damage (Nguyen et al., 2021).

Before the suspect is subjected to the first questioning, the inquiry officer shall clarify the questions that can allow the initiation of a short inquiry. The suspect, while pleading guilty, may not know if there are any circumstances that can exclude

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

punishment or exonerate a person from criminal responsibility. It shall be possible to initiate a short inquiry only after the inquiry officer gets a suspect's statement in which he/she pleads guilty, agrees with the charges, and reveals other important circumstances of the crime. The suspect shall have a right to meet the attorney in private beforehand.

It is advisable for the inquiry officer to be allocated the responsibility to notify the prosecutor when the motion is satisfied or not. It is a violation of the suspect's right to counsel if he/she is not notified when the motion is approved (or not). Thus, it is advisable to add these procedures to the legislation and to allow the attorney to take measures against actions (or inaction) of the inquiry officer.

In order to ensure a defense to prosecution, it is necessary to inform the suspect and his/her defender in a written form on the termination of the short inquiry. The suspect shall be informed how to get acquainted with the indictment, case files, and how to file motions. It will be most effective for the suspect and the defender to act collaboratively to ensure a defense to prosecution.

At the final stage of the short inquiry, it is suggested to delegate additional responsibilities for the prosecutor, e.g. to question the accused regarding the issues connected with judicial proceedings on an ad hoc basis; to declare if the evidence is inadmissible and to retrieve it from the indictment; to determine if the accused has incriminated himself/herself.

In criminal cases with an indictment, the judge does not question the accused. However, in case there are doubts if the accused is guilty the judge shall return the case to initiate general proceedings having discussed the matter with the parties.

Thus, we have justified the reasons why it is advisable to amend certain provisions of the Criminal Procedure Code of the Russian Federation so as to ensure a defense to prosecution in short inquiry.

REFERENCES

Bezlepkin, B.T. (2017). *Commentary on the Criminal Procedure Code of the Russian Federation (article by article)*. Moscow: KnoRus, 608 p.

Dikov, G.V. (2014). Participation of a lawyer in the trial: approaches of the European Court. Moscow: Razvitiye pravovykh system, 240 p.

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

Dolgov, A.M. (2016). *Inquiry as a form of preliminary investigation:* dis. ... cand. jurid. sciences. Kuban State University, Krasnodar, 222 p.

Dolya, E.A. (2013). Features of proof in the production of inquiry in abbreviated form. *Russian judge, 6*, 43-46.

Gavrilov, B.Ya. (2017). Efficiency of pre-trial proceedings. *Criminal proceedings, 2*, 19-26.

Golovko, L.V. (1995). *Inquiry and preliminary investigation in criminal cases in France. (Main development trends):* dis. ... cand. jurid. sciences. Moscow State University, Moscow, 194 p.

Gubarev, I.S. (2020). *Theoretical and legal model of reduced pre-trial proceedings for crimes of small and medium gravity:* dis. ... cand. jurid. sciences. Academy of Management of the Ministry of Internal Affairs of the Russian Federation, Moscow, 196 p.

Kachalova, O.V. (2018). Accelerated pre-trial proceedings in criminal cases: Prospects for development. *Actual problems of Russian law, 4*, 121-129.

Kovalev, O.G. (2018). Protocol form of pre-trial preparation of materials: Prerequisites for the emergence and prospects of development taking into account the current legislation. *Court administrator, 2*, 26-30.

Larin, E.G. (2010). Admission of a person who is not a lawyer as a defender at the stage of preliminary investigation: Legislation and practice. *Legislation and practice, 2*, 21-24.

Malysheva, O.A. (2013). *Pre-trial proceedings in the Russian criminal process: Problems of implementation and legal regulation:* dis. ... doct. jurid. sciences. Academy of Management of the Ministry of Internal Affairs of the Russian Federation, Moscow, 506 p

Naumenko, O.A. (2015). *Ensuring the rights of the individual during the investigation:* dis. ... cand. jurid. sciences. Academy of Management of the Ministry of Internal Affairs of the Russian Federation, Moscow, 231 p.

Nazarova, E.A. (2009). The role of the defender in the process of proving during the investigation of a criminal case. In *Modern problems of legal science. Materials of the V International scientific and practical conference of young researchers, Chelyabinsk, Russia, May 6-7, 2009* (Part II, pp. 252-255). Chelyabinsk: Poligraf- Master.

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

Nguyen, V.T., Pushkarev, V.V., Tokareva, E.V., Makeev, A.V., & Shepeleva, O.R. (2021). Compensation for damage caused by a crime in the socialist Republic of Vietnam and the Russian Federation. *Jurnal Cita Hukum-Indonesian Law Journal, 9*(2), 211-220. doi: 10.15408/jch.v9i2.21738

Nikanorov, S.A. (2017). *The procedural position of the prosecutor in the abbreviated procedures of criminal proceedings:* dis. ... cand. jurid. sciences'. Nizhny Novgorod Law Academy, Nizhny Novgorod, 181 p.

Orlov, A.V. (2003). The right to protection: Norms of the Constitution of the Russian Federation and the new Code of Criminal Procedure of the Russian Federation. *Society and Security, 1*, 37-38.

Ovchinnikov, Yu.G., & Kuzora, S.A. (2014). Problems of participation of an "other" person as a defender in the pre-trial stages of criminal proceedings. *Russian Justice, 11*, 43-44.

Permyakov, S.V. (2016). On the tactics and forms of participation of a lawyer in the collection of evidence at the stage of preliminary investigation. *Russian law journal, 1*, 98-102.

Pikalov, I.A. (2004). The role of the defender in the process of proving, during the investigation of a criminal case. *Law and Law, 11*, 19-22.

Piyuk, A.V. (2017). *Theoretical foundations of simplification of forms of resolution of criminal cases by the court in the Russian Federation: typological aspect:* dis. ...doct. jurid. sciences. National research Tomsk State University, Tomsk, 469 p.

Pushkarev, V.V., Gaevoy, A., Kolchurin, A., Skachko, A.V., & Lozovsky D.N. (2019). Criminal prosecution and qualification of cybercrime in the digital economy. *Journal of Advanced Research in Dynamical and Control Systems, 11*(8 SI), 2563-2566.

Pushkarev, V.V., Poselskaya, L.N., Skachko, A.V., Tarasov, A.V., & Mutalieva, L.S. (2021). Criminal prosecution of persons who have committed crimes in the banking sector. *Cuestiones Políticas, 39*(69), 395-406. doi: 10.46398/cuestpol.3969.25

Vasiliev, D.V. (2015). The emergence and formation of the institute of preliminary investigation in Russia in the XIX-XX centuries. In E. P. Tkacheva (Ed.)., *Modern trends in the development of science and technology: A collection of scientific papers based on the materials of the IV International Scientific and Practical Conference, Belgorod, Russia, July 31, 2015* (Part IV, pp. 15-18). Belgorod: IP Tkacheva E.P.

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]

Verushkina, E.V. (2018). Problems of inquiry in abbreviated form in criminal cases, investigative bodies of inquiry of the FSSP of Russia. *Practice of enforcement proceedings, 2*, 31-44.

Vodyanik, E.A. (2012). The possibility of participating in criminal proceedings as a defender of "other persons". *Lawyer, 12*, 58-64.

Volevodz, A.G., & Litvishko, P.A. (2010). Procedural aspects of simplified (accelerated) criminal proceedings in some European countries. *Russian Justice, 10*, 38-41.

Yarygina, L.A. (2017). *Proving in the production of an inquiry in an abbreviated form:* dis. ... cand. jurid. sciences. Samara National Research University named after Academician S.P. Korolev, Samara, 252 p.

Zotova, M.V. (2016). *Inquiry in abbreviated form in the Russian criminal process:* dis. ... cand. jurid. sciences. Moscow Academy of Economics and Law, Moscow, 237 p.

[Received/Recebido: January 05, 2021; Accepted/Aceito April 03, 2021]