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## Participants to the Criminal Proceedings on the Side of the Prosecution in the Criminal Proceedings of the Russian Federation

**Abstract:** A participant to the criminal proceedings is a person who is authorized by procedural rights and obligations to perform criminal procedural actions and enter into criminal procedural relations with other participants in the process of exercising their rights and obligations. Certain common features are characteristic of all the participants to the criminal proceedings: a) the law assigns them certain procedural rights and obligations, which is why they can enter into criminal procedural relations with each other and perform criminal procedural actions, and b) they must have a legitimate interest in the criminal proceedings. In addition, the Criminal Procedural Code of the Russian Federation prescribes certain requirements that participants to the proceedings must meet. Thus, an expert can only be a person who has a special knowledge (in science, technology, art, craft) and who is appointed in accordance with the procedural law for conducting court expert examination and giving opinions (Article 57 of the Criminal Procedural Code of the Russian Federation). The requirement for participation of a person as attesting witness is that he must not have an interest in the criminal case (Article 60 of the Criminal Procedural Code of the Russian Federation). This paper analyses the participants to the criminal proceedings on the side of the prosecution (the injured party, the civil prosecutor, the private prosecutor and the representatives of the injured party, the civil prosecutor and the private prosecutor).

**Key words:** defense, prosecution, injured party, suspect, defense.

### 1. INTRODUCTORY REMARKS

It is necessary to distinguish between the terms “subject” (subjekt) and “participant” (učastnik) to the criminal proceedings, because the Criminal Procedural Code of the Russian Federation (ZKP RF) does not recognize the term “subjects” (subjekty), but only uses the term “participants to the criminal proceedings” - učastniki ugolovnogo sudoproizvodstva (paragraph 58, Article 5 of the ZKP RF). Subjects to the

criminal proceedings are legal and natural persons who enter into criminal procedural relations when exercising their rights and obligations. Criminal procedural law is based on the fact that the subjects of criminal proceedings can be both officials and citizens having procedural legal capacity (processualной правоспособностью) and business capacity (дееспособностью). However, participants to the criminal proceedings are not all persons participating in criminal proceedings, but only those who have the rights and obligations stipulated by the Criminal Procedural Code.

## 2. INJURED PARTY (*POTERPEVŠIĬ*)

According to Article 42, paragraph 1 of the CPC RF, an injured party is a natural person (*fizičeskoe lico*) who has suffered physical, property or moral damage (*fizičeskii, imущественный ili moral'nyi vred*) as a result of a criminal offense or an action prohibited by criminal law, as well as a legal person (*iuridičeskoe lico*) if damage was caused to his/her property or business reputation (*delovoi reputacii*).

A person who has suffered damage due to socially dangerous action (*obščestvenno-opasnym deianiem pričinen vred*) acquires the rights and obligations provided for by the CPC RF from the moment the body conducting the investigation or the court adopts the decision recognizing the status of the injured party. At the same time, belonging to any nationality, age, physical or psychological state (*fizičeskoe ili psihičeskoe sostojanie*), any other personal data or the fact whether all responsible persons have been identified are not important. A person can be recognized as injured on the basis of his own request or on the initiative of the body conducting the proceedings, and it is procedurally confirmed by the decision of the investigator or the body in charge of the investigation (*postanovleniem sledovatelya ili doznatelya*), but it is not formed by it.

The protection of the injured party is an integral part of setting up the criminal proceedings, the basic obligation of participants in the criminal proceedings (paragraph 1 of Article 6 of the CPC RF). This protection is guaranteed directly to the factually injured party (*faktičeskomu poterpevšemu*), i.e. the person who suffered physical, property or moral damage. All other persons, as well as close relatives of the injured party (*blizkie rodstvenniki poterpevšego*), whose rights and legal interests were not directly violated, as a rule, do not have a procedural right to protection of their interests<sup>1</sup>.

However, in cases where the consequence of the criminal offense is death of the injured party, his rights are transferred to one of the close relatives (*blizkih rodstvennikov*) and (or) persons close to the deceased, while in case that there are no such persons or they cannot participate in the proceedings, the rights are transferred to one of the relatives (*rodstvennikov*) (Article 42(8) of the CPC RF). Close relatives (*blizkim rodstvennikam*) are considered to be: husband, wife, parents, children, adoptive parents, adopted children, siblings, grandparents, grandchildren (*vnuki*) (Article 5(4) of the CPC RF). If the criminal offense affects the rights and legitimate interests of several persons who are close relatives of the deceased and they insist on being granted the status of injured party, they may also be recognized as injured parties. Considering that the list of close relatives specified in the law is final, relatives who are not mentioned in paragraph 4 of Article 5 of the CPC RF, as well as other persons (for example, neighbours or acquaint-

<sup>1</sup> About the case law of application of provisions regulating participation of the injured party in the criminal proceedings, see decision of the Plenary of the Supreme Court of the Russian Federation of 29 June 2010, no. 17 (amended on 16 May 2017), Russian Gazette, 2010, no. 147).

tances of the deceased - знакомые погибшего), cannot be recognized as injured party.

In accordance with paragraph 2 of Article 45 of the CPC RF, if the injured party is a juvenile (несовершеннолетний) or a person who, due to physical or mental condition, cannot exercise his/her rights independently, his/her legal representative (законные представители) or a representative determined on the basis of the list specified in paragraph 12 of Article 5 of the CPC RF must be included. At the same time, it should be borne in mind that the function of the legal representative ends when the injured party reaches 18 years of age. If the juvenile injured party has no parents and lives alone or with a person who is not a member of his family and has not been properly appointed as his guardian or foster parent, a representative of the guardianship body (представитель органа опеки) and fostering body (представитель органа опеки) acts as legal representative.

A person who reports a criminal offense (лицо, которое сообщает о совершении преступления), even if he has been harmed, has the status of the applicant (выступает в качестве заявителя) at the stage of initiating the proceedings. The applicant is warned of criminal liability for false reporting (предупреждается об уголовной ответственности за заведомо ложный донос) (Article 306 of the CC RF<sup>2</sup>) and receives a confirmation (талон-уведомление) of receipt and registration of the report of criminal offense (о приеме и регистрации заявления о преступлении). If the application is rejected, the injured party can file an appeal. The applicant is notified of the procedural decision made after the verification, on the initiation of criminal proceedings - immediately, and on the refusal to initiate the proceedings - within 24 hours from the adoption of this decision. An appeal can be filed against the decision on refusal to the prosecutor, the head of the investigative body or the court.

In this way, the applicant can become *de facto* victim. *De jure*, he appears in the court proceedings only when an official decision (официального признания) is made on recognizing him as an injured party. Article 42(1) of the CPC RF requires a decision on this to be made without delay (немедленно), as soon as criminal proceedings are initiated. However, if there is no information about the person who was injured at that moment, the decision recognizing the status of the injured party is made immediately after this information is received. It is established which natural person or persons suffered physical, property or moral damage, or which legal person was caused damage to property or business reputation.

The judge, the investigator and the body in charge of the investigation make a decision in the form of a ruling (в форме постановления) on recognizing a person as injured, while the court does so in the form of a decision (в форме определения). From that moment, the person acquires the procedural status of the injured party and gets the possibility to exercise all the rights provided for in paragraph 2 of Article 42 and other provisions of the CPC RF.

The injured party must be given the possibility to know how the state's obligation to protect his rights is fulfilled, as well as to participate in the conduct of criminal proceedings. If there is a need for this, he has the right to apply security measures (мер безопасности) against him, his relatives and close persons (paragraph 3 of Article 11 of the CPC RF).

<sup>2</sup> Уголовный кодекс Российской Федерации от (ред. от 28.02.2025), от 13 июня 1996 года N 63-FZ. <https://www.consultant.ru/document>.

Paragraph 2 of Article 42 of the CPC RF provides for a number of rights that enable the injured party to be informed about the course and results of the preliminary investigation and court proceedings (*hoda i rezultatov predvaritel'nogo rassledovaniya, sudebnogo razbiratel'stva*). Thus, he has the right:

(1) to know:

- on the charges raised against the accused (*predъявленном обвиняемому обвинении*);
- on filed appeals and submissions in connection with the criminal proceedings (*о принятых по уголовному делу жалоб и представлений*);
- on the composition of the investigative team that conducts the preliminary investigation in the criminal proceedings in question (*sostav sledstvennoy gruppy, osushchestvlyayushchey predvaritel'noe rassledovanie po уголовному делу*)<sup>3</sup>;

(2) to be informed:

- of the records of investigative actions conducted with his participation (*s protokolami sledstvennykh deystviy, proizvedennykh s ego uchastiem*);
- of the decision on the accusation (*s postanovleniem o privlechenii v kačestve обвиняемого*)<sup>4</sup>;
- of the decision on the appointment of the court expert and the expert's findings (*s postanovleniem o naznačenii sudebnoy ekspertizy i zaključeniem eksperta*);
- of all the materials of the criminal case upon completion of the preliminary investigation (*po okončanii predvaritel'nogo rassledovaniya*), including in the case of suspension of the proceedings (*прекращения уголовного дела*), with the right to transcribe any data to any extent, to make copies (*снимать копии*), including and with the help of technical means (*помощью технических средств*);
- of the minutes of the court hearing (*s protokolom sudebnogo zasedaniya*);

(3) to obtain copies of the decisions on the initiation of criminal proceedings (*получать копии постановлений о возбуждении уголовного дела*), on recognition of his status of injured party, the refusal to order custody of the accused as a security measure (*об отказе в избрании в отношении обвиняемого меры пресечения в виде заключения под стражу*), suspension of the criminal proceedings, temporary suspension of the proceedings (*о приостановлении производства по уголовному делу*), the referral of the criminal case to the competent court (*о направлении уголовного дела по подсудности*), scheduling of the preliminary hearing and the main trial (*о назначении предварительного слушания и судебного заседания*), as well as copies of the first-instance court judgment, decisions of the appellate and cassation courts, and other procedural documents referring to his rights and interests, for which he submitted a request.

The injured party has a wide range of procedural rights that enable him to actively participate in the criminal proceedings. First of all, this includes the right to testify in the native language or the language he is familiar with (*pravo davat' pokazaniya na rodnom yazyke ili yazyke, korym on vladeet*), with free translation provided (*бесплатное предоставление переводчика*).

According to Article 78 of the CPC RF, the injured party is entitled to testify about all the circumstances that are subject to proof in criminal proceedings, including his re-

<sup>3</sup> Decision of the Constitutional Court of the Russian Federation of 11 November 2006, № 300-О.

<sup>4</sup> Decision of the Constitutional Court of the Russian Federation of 11 November 2006, № 300-О.

lationship with the suspect or the accused (о своих взаимоотношениях с подозреваемым, обвиняемым). He is not entitled to refuse to testify, but he can refuse to testify against himself (может отказатьсья свидетельствовать против самого себя) his spouse or other close relatives. If he agrees to testify, he must be warned that his testimony may be used as evidence in the proceedings, even in case if he later withdraws. Giving a false statement entails criminal responsibility according to Article 307 of the CC RF.

The Criminal Procedure Law allows the injured party to present evidence that not only refer to the damage caused to him, but also to all other relevant circumstances that are subject to proof (Article 73 of the CPC RF). In addition, the active participation of the injured party in the proceedings is ensured by the following procedural rights:

- to participate in investigative actions conducted at his request or at the request of his representative (with the approval of the investigator or the body in charge of the investigation) and submit comments on the minutes [участвовать в следственных действиях, производимых по его ходатайству либо ходатайству его представителя (с разрешения следователя или дознавателя), подавать замечания на их протоколы];
- to submit requests for exemption and procedural requests (заявлять отводы и ходатайства)<sup>5</sup>;
- to file appeals against the actions (or omissions) of the officials of the preliminary investigation bodies, the prosecutor's office and the court [принимать жалобы на действие (бездействие) должностных лиц органов предварительного расследования, прокурора и суда];
- to submit objections to the appeals of other participants to the criminal proceedings (подавать возражения на жалобы других участников уголовного судопроизводства).

The injured party is entitled to participate in the court proceedings before all instances, as well as to oppose to passing of a judgment without conducting a trial in the regular proceedings (*общем порядке*). His failure to appear before the court (неявка потерпевшего в суд) is not an obstacle to consideration of the case, unless his presence is legally mandatory. However, in cases of private lawsuits (делам частного обвинения), unjustified non-appearance (без уважительных причин) of the injured party leads to the suspension of the proceedings due to the inexistence of the criminal offense (Article 249, paragraph 3 of the CPC RF).

Until the end of the court hearing, the injured party is entitled to submit a request for notification (право заявить ходатайство о получении информации) about the transfer of the convicted person while serving his sentence (прибытии осужденного к лишению свободы к месту отбывания наказания), his transfer from one penal institution to another (о выездах осужденного за пределы учреждения), his departures from the institution, as well as the time of his release (о времени освобождения осужденного из мест лишения свободы). In addition, he has the right to be informed about the judicial consideration of issues referring to the execution of the sentence, such as early release, postponement of the execution of the sentence or replacement of the unserved part of the sentence with a lighter sentence (замене осужденному неотбытой части наказания более мягким видом наказания). The approval of such a request enables him to participate in further court proceedings when considering issues related to the execution of the judgment, such as postponement of the

<sup>5</sup> Ibid.

execution of the judgment, conditional early release (*uslovno-dosročnoe osvoboždenie*), replacement of the unserved part of the sentence with a lighter sentence.

For participation in adversarial proceedings (*для участия в состязательном процессе*), the injured party has all the necessary rights. This includes the right to:

- give statements (*давать показания*),
- present evidence (*представлять доказательства*), *заявлять отводы и ходатайства отводы и ходатайства*),
- comment on the minutes of the trial (*делать замечания на протокол судебного заседания*), as well as
- the right to file appeals against court decisions.

In cases of private lawsuits, the injured party applies to a justice of the peace (*мировому судье*) to initiate proceedings against a specific person or persons and supports the accusation at trial.

The injured party is obliged to respond to the summons of the investigator, the investigative body and the court. In the case of unjustified absence, he may be forcibly brought in (*может быть подвергнут приводу*).

The rights provided for by the criminal procedural law can be exercised by the injured party himself or through his representative. If the injured party is a legal entity, his rights are always exercised by representatives. According to Article 45 of the CPC RF, the representatives of the injured party can be lawyers (*адвокаты*). At the same time, personal participation of the injured party in the proceedings does not exclude his right to have a representative.

In order to protect the rights and legal interests of injured parties who are juveniles or who, due to their physical or mental condition, are unable to defend their rights and legal interests on their own, their legal representatives or representatives must be included in the proceedings. They have the same procedural rights as the persons they represent.

The costs of the representative (*расходы на представителя*), as well as all other costs incurred by the injured party in connection with participation in the preliminary investigation and the court proceedings (*в ходе предварительного расследования и в суде*), are subject to compensation together with the damage caused by the criminal offense (Article 42, paragraph 3 of the CPC RF).

The injured party has no right to avoid the medical expert examination (*прохождение освидетельствования*) or judicial expert examination (*судебной экспертизы*) conducted in his case, when the law does not require his consent, nor to refuse to provide handwriting samples (*образцов почерка*) and other samples for comparative analysis (*сравнительного исследования*). Otherwise, the question of his criminal liability (*уголовной ответственности*) can be raised according to Article 308 of the CC RF. In addition, the injured party may be warned of the responsibility for disclosing data from the preliminary investigation (*за разглашение данных предварительного расследования*), as provided for under Article 310 of the CC RF.

### **3. CIVIL PROSECUTOR (*ГРАЖДАНСКИЙ ИСТЕЦ*)**

A civil prosecutor (injured party as a plaintiff) is a natural or legal person who submits a request for compensation of pecuniary damage, provided that there are grounds to believe that this damage was caused to him directly by a criminal offense (*непосредственно преступлением*) (Article 44, paragraph 1 of the CPC RF). However, a lawsuit can also be



filed for the purpose of financial compensation for suffered non-pecuniary damage (kompensacii pričinennogo emu moral'nogo vreda). The civil prosecutor is exempt from paying the court fee (gosudarstvennoy pošliny). The right to file a civil lawsuit (graždanskogo iska) can be exercised from the moment the criminal proceedings are initiated until the end of the trial before the first-instance court.

A civil lawsuit for the protection of the interests of juveniles, persons declared incapable of legal actions or partially capable (priznannyh nedeesposobnymi libo ograničenko deesposobnymi), as well as persons who for other reasons cannot independently protect their rights and legal interests, can be filed by their legal representatives or the prosecutor. In addition, in order to protect the interests of the Russian Federation, its entities, municipalities, state and municipal unitary enterprises (gosudarstvennyh i municipal'nyh unitarnykh predpriyatij), a civil lawsuit may be filed by the prosecutor. In order for a person to acquire the procedural status of a civil prosecutor, it is not enough only to file a civil lawsuit within the framework of criminal proceedings. It is necessary for it to be officially recognized, which is formally confirmed by a decision of a judge, investigator or investigative body, or by a court order.

Article 44, paragraph 4 of the CPC RF contains a list of basic procedural rights of the civil prosecutor. Some of these rights can be exercised during the preliminary investigation, as well as during the court proceedings, while the others can be used only in the preliminary investigation or in the court proceedings. As mentioned earlier, a person can file a civil lawsuit at the preliminary investigation stage already.

The civil prosecutor has the right to be informed of the course and outcome of the preliminary investigation or court proceedings. Thus, he has the right:

- to be informed about the decisions made that concern his interests and to receive copies of procedural decisions (znat' o prinyatyh rešeniyah, zatragivayushih ego interesy i poluchat' kopii processual'nykh rešeniy) referring to his civil lawsuit;
- to review the records of investigative actions in which he participated (znakomitsya s protokolami sledstvennykh deystviy, proizvedennykh s ego uchastiem);
- after the completion of the investigation, to review the files of the criminal case referring to his civil lawsuit and transcribe any information from them to any extent;
- to be informed about filed complaints and submissions in criminal proceedings (znat' o prinesennykh po ugovnomu delu zhelobah i predstavleniyah).

One of the key rights of the civil prosecutor is the possibility to pursue his lawsuit. He has the right to present evidence, submit requests and objections, as well as to use other procedural rights, acting independently or through a representative. However, in accordance with the dispositive principle, paragraph 11 of Article 44 of the CPC RF allows the civil prosecutor to withdraw from the filed lawsuit (pravo otkazatsya ot predyavlenno go im graždanskogo iska). He may do so at any time during the criminal proceedings, but before the court is adjourned for deliberations in order to render a judgment. Before accepting the withdrawal from the lawsuit, the authority in charge of the investigation, the investigator, the judge or the court are obliged to explain to the civil prosecutor the consequences of the withdrawal from the lawsuit, i.e. that this withdrawal leads to the suspension of the proceedings (prekращение производства) in that part.

The civil prosecutor is not subject to questioning, but he has the right to provide explanations in connection with the lawsuit, which enables to record information in the criminal case about the essence of his claims, the basis and the amount of the claim. He

has the right to give all statements and explanations in his native language or in a language he knows. At the same time, a translator is provided to him free of charge. However, the prosecutor has the right to refuse to testify against himself, his spouse or close relatives (pravo otkazatsya svidetelstvovat' protiv samogo sebya, svoego supruga ili suprug, drugih blizkih rodstvennikov). If the civil prosecutor agrees to testify, he must be warned that his statements may be used as evidence in the criminal proceedings, including in the case of his subsequent withdrawal from them.

The civil prosecutor may be interested in obtaining certain evidence that substantiate his request. Therefore, he has the possibility to request the conduct of investigative and other procedural actions (pravo hodataystvovat' o proizvodstve sledstvennykh i drugih processualnykh deystviy). For example, he may request the seizure of property in order to ensure the enforcement of the judgment in the part referring to the civil lawsuit (pr prosit' nalozeniya aresta na imushchestvo v tselya obespecheniya v dalneyshem ispolneniya prigovora v chasti grazhdanskogo iska). With the approval of the investigator or the body in charge of the investigation, he has the right to participate in investigative actions conducted at his request or at the request of his representative, and to review their records.

The civil prosecutor's right to be informed about decisions made, that affect his interests and to get copies of procedural decisions - entails the obligation of the investigator and the body in charge of the investigation to deliver them to him. Upon completion of the investigation, the competent authorities are obliged to provide him insight into the case files, but only in the part relating to his lawsuit. He then has the right to transcribe any information from the file to any extent.

If the civil prosecutor believes that his rights have been violated, he may file an appeal against the actions (or omissions) and decisions of the officials of the preliminary investigation bodies, the prosecutor and the court. In addition, he has the right to be informed about the complaints filed and the facts in the criminal proceedings, to participate in their consideration and to submit objections to them. These rights, as well as all other granted rights, can be exercised personally or through a representative. According to Article 44, paragraph 4 of the CPC RF, the civil prosecutor has the obligation to keep confidentiality of the data from the preliminary investigation, which is notified in advance. For revealing such information, he bears criminal responsibility (neset ugolovnuyu otvetstvennost') in accordance with Article 310 of the CC RF.

The civil prosecutor can participate in the proceedings of consideration of the criminal offense before all court instances. However, he can file an appeal only in the part relating to his civil lawsuit. If he or his representative does not appear at the trial before the first-instance court, the court may leave his civil lawsuit without consideration, except in cases provided for in Article 250, paragraph 2 of the CPC RF.

During the trial, the civil prosecutor has the right to review the records from the court hearing and to submit comments on it, as well as to participate in court hearings to explain the filed lawsuit. As a participant in the trial, he has all the procedural rights necessary to realize his claims, but as already mentioned, most of them are limited to the scope of his lawsuit.

#### **4. PRIVATE PROSECUTOR (ЧАСТНЫЙ ОБВИТЕЛЬ)**

In accordance with paragraph 59 of Article 5 of the CPC RF, a private prosecutor is an injured party (poterpevsiiy) or his legal representative, as well as a representative in criminal cases of private lawsuit. This is the person who filed a complaint with the court



in the criminal case of a private lawsuit, in the manner prescribed under the law and who represents it before the court (Article 43 of the CPC RF).

According to the general rule, criminal proceedings for the offenses listed in paragraph 2 of Article 20 of the CPC RF are initiated against a specific person, by submitting a report to the court by the injured party or his legal representative. From the moment the court accepts such a report in the proceedings (on which an appropriate decision is made by a justice of the peace), the applicant is considered to be a private prosecutor. He must be explained the procedural rights provided for under Articles 42 and 43 of the CPC RF, about which a record is made and signed by the judge and the applicant. The procedural rights of the private prosecutor are also provided for in paragraphs 4, 5 and 6 of Article 246 of the CPC RF.

The participation of a private prosecutor in court proceedings is mandatory. He presents and represents the accusation before the court, and has the right to waive it in whole or in part. However, if the criminal proceedings were initiated by the head of the investigative body, the investigator or the body in charge of the investigation with the consent of the prosecutor, the state prosecutor participates in the proceedings before the court. If, after accepting the report in the proceedings, it is determined that the injured party, due to a dependent or helpless state or for other reasons, is unable to defend his rights and legal interests, the justice of the peace can order mandatory participation of the legal representative of the injured party and the prosecutor.

## **5. REPRESENTATIVES OF THE INJURED PARTY, CIVIL PROSECUTOR AND PRIVATE PROSECUTOR**

The procedural status of the representative of the injured party, the civil prosecutor and the private prosecutor is regulated by Article 45 of the CPC RF. Their role may be performed by the lawyers, while the representatives of the civil prosecutor who is a legal entity may be other persons authorized under the Civil Code of the Russian Federation<sup>6</sup> to represent their interests. One of the close relatives or another person may also be accepted as a representative of the injured party or the civil prosecutor, if they so request.

According to paragraph 2 of Article 45 of the CPC RF, in order to protect the rights and legal interests of injured persons who are juveniles or who, due to their physical or mental condition, are not able to independently defend their rights and legal interests, their legal representatives or attorneys must be mandatorily included in the proceedings. At the request of the legal representative, the court may also include other representatives if necessary to protect the interests of the injured party.

It should be noted that from the moment of determining custody (меры пресечения заключения под стражу) or house arrest (domašnego aresta), as a preventive measures in relation to the suspect or the accused, he gets the opportunity to have meetings with a notary without limitation in number and duration, in order to certify the power of attorney for representation of his interests in the field of business activities. However, it is prohibited to perform notarial actions in connection with property, money and other valuables (части имущества, денежных средств и иных ценностей) that may be subject to confiscation.

## **6. CONCLUSION**

<sup>6</sup> Гражданский кодекс Российской Федерации, 18 декабря 2006 года, N 230-FZ. <https://www.Consultant.ru> document.

With regard to the purpose, jurisdiction, procedural status, as well as the significance of the activity performed, the legislator of the current CPC RF divided all participants in the criminal proceedings into the following groups (according to Chapters 5 to 8 of the CPC RF): (1) participants in the criminal proceedings who perform the judiciary function (resolution of legal dispute by essence). The court belongs to them; (2) participants in the criminal proceedings on the part of the prosecution (prosecutor, investigator, head of the investigative body, investigation body, chief of the investigation body, chief of the investigation department, representative of the investigation body, injured party, private prosecutor, civil prosecutor, representatives of the injured party, civil prosecutor and private prosecutor); (3) participants in the criminal proceedings on the part of the defense (suspects, accused, legal representatives of the juvenile suspect and the accused, defense counsel, civil defendant, representative of the civil defendant); (4) other participants in the criminal proceedings (witness, person with whom a pre-trial cooperation agreement was concluded, expert witness, expert, interpreter, trial witness). Among the other participants in the criminal proceedings, the court secretary is not mentioned in Article 8 of the CPC RF, he is mentioned in Article 68 of the CPC RF, which provides for the exemption of the court secretary.

## 7. LITERATURE

- Aleksandrov A.I. (2003), *Ugolovная политика i ugolovnyy process v rossiyskoy gosudarstvennosti: istoriya, sovremennost', perspektivy, problemy*, Predislovie akademika RAN, laureata Gosudarstvennoy premii SSSR, Zaslužennogo deyatelia nauki Rossiyskoy Federacii, dokt. iurid. nauk V.N. Kudryavtseva, SPbGU, Moskva.
- Безгрядин В.И. (2016), „Vedomstvennyy processual'nyy i sudebnyy kontrol' za ispolneniem zakonov v ugolovnom sudoproizvodstve“, *Pravovoe pole sovremennoy ekonomiki*, № 9, 67-80.
- Вожева В.П. (2014), *Ugolovnyy process: Uchebnik dlya akademicheskogo bakalavriata, 4-e izd., pererab. i dop.*, Юрайт, Серия: Бакалавр, Moskva.
- Вандышев В.В. (2010). *Ugolovnyy process. Obshchaya i Osobennaya chasti: Uchebnik dlya iuridicheskikh vuzov i fakul'tetov*, Volters Kluver, Moskva.
- Vedernikova O.N., Vorozhcov S.A., Davydov V.A. i dr. (2014), *Nauchno-prakticheskiy kommentariy k Ugolovno-processual'nomu kodeksu Rossiyskoy Federacii*, NORMA, INFRA-Moskva
- Gadzhiev G.A., Knyaginina, K.N. (2014), „Rossiyskaya sudebnaya vlast': sovremennost' i perspektivy“, *Sbornik nauchnykh trudov*, SPb. Prezident. b-ka, Sborniki Prezidentskoy biblioteki.
- Gibov V.V., Kabiganran A.A. (2007), *Konstitucionnyye principy sudebnoy vlasti v Rossiyskoy Federacii*, Monografiya, SPb. Sankt-Peterburgskiy un-t MVD Rossii.
- Gul'nev A.P. (2015), *Kommentariy k Ugolovno-processual'nomu kodeksu Rossiyskoy Federacii, Prakticheskoe rukovodstvo dlya sledovateley, doznavateley, prokurorov, advokatov*, Ekzamen XXI, Moskva.
- Endol'sevoj A.V., Himichevoj O.V., Klepishina E. N. (2016), *Ko vsem razdelam uchebnika Ugolovno-processual'noye pravo (ugolovnyy process): Uchebnik dlya vuzov*, Mosk. un-t MVD Rossii, Moskva.
- Himicheva O.V. (1998), *Sudebnyy kontrol' za processual'nymi deystviyami i operativno-rozysknyimi meropriyatiyami (dosudebnoye proizvodstvo)*, Iuridicheskii institut MVD Rossii, Moskva.
- Kolokolov N.A. (2004), *Sudebnyy kontrol' v stadii predvaritelnogo rassledovaniya: Uchebnoye posobie dlya studentov vuzov, Zakon i pravo*, IUNITI-DANA, Moskva.
- Kutueva Zh.K. (2026), *Ugolovno-processual'noye pravo (ugolovnyy process): Uchebnik* SPb, Sankt-Peterburgskiy un-t MVD Rossii, R-KOPI.
- Lebedev V.M. (2001), *Sudebnaya vlast' v sovremennoy Rossii. Problemy stanovleniya i razvitiya*, SPb., Lant.
- Лысов Р.К. (2013), „Organizatsiya sudebnoy vlasti i sudebnoy deyatelnosti v sovremennoy Rossii: nekotoryye napravleniya pravovogo sovershenstvovaniya“, *Iuridicheskaya nauka: istoriya i sovremennost'*, № 12, 81-97.

- Lupinskaya P.A. (2011), Uголовно-processual'noe pravo Rossijskoj Federacii: Učebnik – 2-e izd., pererab. i dop., Norma: INFRA-M, Moskva.
- Mozjakova, V.V. (2002), Kommentarii k Uголовно-processual'nomu kodeksu Rossijskoj Federacii, Ekzamen NNI, Moskva.
- Poljanskij N.N. (1927), Očerki obščej teorii uголовnogo processa, Pravo i žizn', Moskva.
- Smirnova A.V. (2015), Uголовный процесс: Učebnik dla vuzov, INFRA-M, Moskva.
- Tomin V.T., Poljakov M.P. (2014), Kommentarii k Uголовно-processual'nomu kodeksu Rossijskoj Federacii, 7-e izd., pererab. i dop., Jurajt, Moskva.
- Šahmatov A.V., Rohlin V.I., Sal'nikov V.P., Antonov I.A. i dr. (2009), Uголовный процесс: Učebnik dla juridičeskikh vuzov. V 2-h častях. Čast' 1. Obščaja čast'; Dosudebnoe proizvodstvo, SPb. Fond „Universitet“.
- Šestakova S.D. (2001), Sostjazatel'nost' uголовnogo processa. – SPb., Iurid. centr Press.

## Učesnici krivičnog postupka na strani optužbe u krivičnom postupku Ruske Federacije

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**Sažetak:** Učesnik krivičnog postupka je lice koje je ovlašćeno procesnim pravima i obavezama da obavlja krivičnoprocesne radnje i stupa u krivičnoprocesne odnose s drugim učesnicima u procesu ostvarivanja svojih prava i obaveza. Za sve učesnike u krivičnom postupku karakteristične su određene zajedničke osobine: a) zakon im dodjeljuje određena procesna prava i obaveze, zbog čega mogu stupati u krivičnoprocesne odnose jedni s drugima i obavljati krivičnoprocesne radnje i b) moraju imati zakoniti interes u krivičnom postupku. Pored toga, Zakonik o krivičnom postupku Ruske Federacije propisuje određene uslove koje učesnici postupka moraju ispunjavati. Tako, vještak može biti samo osoba koja posjeduje specijalna znanja (iz nauke, tehnike, umjetnosti, zanata) i koja je imenovana u skladu s procesnim zakonom za provođenje sudskog vještačenja i davanje mišljenja (član 57. Zakonika o krivičnom postupku Ruske Federacije). Uslov za učešće lica kao svjedoka pretresa je da ono ne smije imati interes u krivičnom predmetu (član 60. Zakonika o krivičnom postupku Ruske Federacije). U ovom radu analiziraju se učesnici krivičnog postupka na strani optužbe (oštećeni, građanski tužilac, privatni tužilac i predstavnici oštećenog, građanskog tužioca i privatnog tužioca).

**Ključne riječi:** odbrana, optužba, oštećeni, osumnjičeni, odbrana.

