

# COMPARATIVE ANALYSIS OF THE LEGAL REGULATION OF REMOTE INVESTIGATIVE ACTIONS

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**Abstract:** This article is devoted to the study of foreign experience in obtaining evidence through remote investigative actions in order to consolidate the regulated procedure for their production and improve domestic criminal procedure legislation.

The issues of legislative regulation of the procedure for using modern scientific and technical means conducting investigative actions in a remote mode are investigated on the basis of analysis of the criminal procedure legislation of Russia and the foreign states.

The foreign practice of states regarding introduction and use of artificial intelligence technology is also analyzed. It is an auxiliary tool to remote investigative actions and to make procedural decisions in criminal cases.

Special attention is paid to proposals to improve the legal regulation of criminal procedural evidence during remote investigative actions in the Russian Federation, as well as recommendations to use of artificial intelligence technology.

The study may be useful for practicing employees of the internal affairs bodies of the Russian Federation, students of the Ministry of Internal Affairs of Russia, other subjects of criminal procedural relations, researchers, as well as developers of draft regulatory legal acts.

*Keywords:* investigative actions, remote conducting of investigative actions, evidence, foreign experience, analysis, comparative analysis, artificial intelligence technology, legal regulation, features of legal regulation, issues of legislative regulation, proposals for improving legal regulation.

**Introduction.** The rapid development and use of telecommunications and computer technologies as one of the main directions of the development of high technologies is an integral part of the transformation of the modern world (1, p. 14). In recent years, issues related to the use of modern scientific and technical means as a way of obtaining evidentiary information in criminal proceedings have been increasingly studied.

Taking into account the tendencies and peculiarities of the development of the states of the world, it can be noticed that any state takes national interests and characteristics as a basis in the formation of legal institutions (2, p. 156). These make the legal systems of states differ from each other as they have inherent elements of novelty and relevance. This fact allows scientists not only to analyze existing legal norms, but also to search ways to reform aimed at settling newly emerging relations and improving national legislation. The developers of draft regulatory legal acts can ensure their implementation, taking into consideration the peculiarities of the legal system of a particular state.

This article describes the advantages of using modern scientific and technical means and artificial intelligence technology to remote conducting investigative actions and investigating criminal cases in general, summarizes the experience of foreign countries in the issue under consideration and substantiates the directions for improving domestic legislation in this aspect.

**Materials and methods.** In the process of researching issues related to the use of modern scientific and technical means and artificial intelligence technology in solving and investigating crimes, as well as remotely conducting investigative actions, the authors of the article used methods such as theoretical, general philosophical analysis (dialectics, systems method, analysis, analogy, synthesis, observation, comparison, modeling). The methods of logical and comparative legal analysis were also used as the basis for drawing conclusions.

**Literature review:** The purpose of this review is to clarify the benefits of using modern scientific and technical tools, including artificial intelligence technology, and their rationale. Modern scientific and technical means are currently applicable in all spheres of citizens' life. Therefore, it is

especially important to know the most reliable and economical ways to achieve results in the areas of their application, especially in the law enforcement sphere. It is better to start with an analysis of the latest scientific literature, and then compare it with educational and normative ones. Articles of scientific journals were studied on this issue (see the list of references). The results of the literature review, including in the regulatory literature, showed that the problems of using modern scientific and technical means in law enforcement are completely insufficiently developed and are very poorly covered. The proposed methods are mainly aimed either at the use of video-conferencing tools as a method of remote production of investigative and other actions, or at the use of traditional methods and means, which is associated with the lack of proper legal regulation. In this regard, a direction is proposed to improve the legal regulation of criminal procedural evidence when conducting remote investigative actions in the Russian Federation, as well as recommendations to use the artificial intelligence technology.

**Results and discussion.** Indeed, the legal systems have differences in the legal regulation of relations that exist in each country (civil, social, economic, criminal, criminal procedural, etc.). The difference in approaches to regulation is mainly associated with the position of the state, represented by the relevant authorities, on the existence of certain phenomena, the possibility of modernizing and optimizing certain areas of activity, and with the characteristics and interests that are declared and provided by a separate state. Most foreign states actively support the trend of introducing and using modern scientific and technical means in the sphere of criminal procedural relations. It is confirmed by the wide application and legislative regulation of the considered issue. Some ones remain true to legal traditions and do not provide for the possibility of some deviation from the established order of investigation, despite the fact that they are called to rationalize and transform criminal proceedings in the direction of its improvement, simplification and bringing in line with the requirements of the constantly changing living conditions and activities of the population.

In the Russian Federation, for example, the electronic criminal case (“electronic criminal case”), which has been appeared “on hearing” and has been approved by some foreign states, remains a fairly new phenomenon, as well as attempts to adopt the relevant bills despite the ongoing discussions among domestic scientists regarding their essence, advantages and the need.

Despite the difference in approaches to understand and use the achievements of scientific and technological progress in the investigation of crimes, it is correct not to limit their essence to just only consideration, but to evaluate them from the standpoint of increasing the efficiency of criminal proceedings by gradually introducing (3, p. 127), as well as ensuring additional guarantees for the

protection of the rights and freedoms of persons involved in the sphere of criminal procedural relations.

The desire to maximize the use of the capabilities of modern technologies necessitated the creation of standards for their use in order to investigate crimes and their introduction into the national legislation of modern states. Certain aspects of the legislative regulation of the use of modern technologies in this aspect will be reflected in this study.

Turning to the topic of this article and, given the variety of approaches to the considered phenomenon, the importance of modern scientific and technical means for the criminal process cannot be underestimated, since the procedure for collecting, checking and evaluating evidence obtained through their use can be considered from several positions.

Firstly, as a means of recording the progress and results of remote investigative actions, technical means are designed to provide a record of the entire process of conducting an investigative action (from the beginning to the end), to record and certify the facts of participation and testimony by persons who are its participants, as well as facts of possible opposition to the conduct of an investigative action.

Secondly, considering the use of modern technical means in the criminal process as a way to establish factual circumstances that are important for a criminal case, it can be said that they are designed not only to record, but also to save the course and results of investigative actions, which, often, are "erased" from human memory for a number of reasons, the main of which is the workload and informational richness of the activities of the employees conducting the investigation of criminal cases.

Each person is able to perceive and evaluate received information in different ways, what is associated with the peculiarities of his mental activity. In the opinion of some persons, the record of the investigative action is not of interest to the investigation. At the same time, in the opinion of others, it contains not only information of interest, but also allows revealing self-incrimination or purposeful lies. In these cases, it is advisable to involve professionals (most often psychologists, educators, psychiatrists or profiling staff) to evaluate the information received. The involvement of the named specialists is not always possible with the direct conduct of investigative actions, therefore, the provision of this task is imposed on the capabilities of the technical means used to record the progress and results of the investigative action.

Thirdly, as a means of ensuring remote production of an investigative action and a means of transmitting the received information, technical means make it possible to ensure the participation of interested persons in its conduct and broadcast its progress and results to the units conducting the investigation of a specific crime event, which are geographically remote from the place of its

conduct. The aforesaid acquires particular relevance in the implementation of individual orders sent by some territorial bodies to others for the production of investigative actions with remote participants in the process.

An analysis of the legal norms of the Criminal Procedure Code (hereinafter the CPC) of the Russian Federation allows to conclude that the issue of remote investigative actions remains unresolved and, at the same time, controversial. So, on the one hand, in the analyzed regulatory legal act there is no prohibition on conducting investigative actions remotely. On the other hand, there is no norm allowing their production in this format. In essence, the current CPC of the Russian Federation does not prohibit the production of investigative actions using modern remote technologies. But at the same time, the legislative gap forces law enforcement officials to abandon their use due to the unclear procedure for the use and procedural registration of the results.

There is a wording that provides for the possibility of using technical means for photography, audio and (or) video recording, filming, contained only in part 4 of Art. 189 of the CPC of the Russian Federation "General rules for interrogation" and part 4 of Art. 190 of the CPC of the Russian Federation "Interrogation Protocol", the content of which concerns the general rules for conducting such an investigative action as interrogation (4). Noteworthy is the fact that the CPC of the Russian Federation contains 14 investigative actions (interrogation; all types of inspection (inspection of the scene, inspection of the area, inspection of the dwelling, inspection of objects and documents, inspection of the corpse, inspection of animals); exhumation; inspection; investigative experiment; search; seizure; personal search; control and recording of conversations; obtaining information about connections between subscribers and (or) subscriber devices; confrontation; presentation for identification; verification of testimony on the spot; appointment of forensic examinations), however, the possibility of using technical means provides only for one. The question arises: "What about other investigative actions that are formally similar in order and purpose of carrying out?" It is known, the analogy in the Russian criminal procedural law is not allowed. But, at the same time, many scientists consider it as a way to overcome the gaps in the criminal procedural legislation. Moreover, practice has cases when certain norms of the criminal procedure law are applied by analogy with norms that are similar in content. This situation raises doubts about the correctness and validity of the latter, which may explain the low rates of their use or non-use at all by Russian law enforcement agencies.

It is important to note that the literal interpretation of Part 1 of Art. 74 of the CPC of the Russian Federation allows to say reasonably that under the wording "... any information on the basis of which the court, prosecutor, investigator, inquirer, in the manner prescribed by this Code, establishes the presence or absence of circumstances to be proved in criminal proceedings ..." and

information obtained through the use of technical means, in particular, used in the remote conduct of investigative actions (4). At the same time, part 2 of the named article, on the one hand, limits the list of information that can be recognized as evidence. And on the other hand, it expands, since it provides for the wording "other documents" (paragraph 6 of part 2 of article 74 of the CPC of the Russian Federation) (4). The analyzed norm does not contain any concretization with respect to technologies for remotely conducting investigative actions, which requires its own regulation.

The considered "legal sphere" is characterized by attempts to reform the domestic criminal process, as it is evidenced by the submission of a draft federal law to the State Duma of the Federal Assembly of the Russian Federation aimed to supplement the list of investigative actions provided for by the CPC of the Russian Federation (No. 434998-78). The provisions of the aforementioned project are focused on regulating the procedure of interrogating a witness through videoconferencing (Article 189.1) (3, p. 128). However, there is no final decision that has been made on this draft law. Moreover, in the Russian Federation it is not practiced at all to carry out other investigative actions using remote technologies. Their production in the case of a remote location of a participant in a criminal proceeding is limited by the direction of an appropriate order, the implementation of which does not carry the expected, and even more informative result.

In a slightly different way, remote investigative actions are carried out in certain foreign countries, attention to the experience of which is drawn in this article (5, p. 34), (6, p. 124), (7).

The use of modern technologies in carrying out certain investigative actions (investigative examination, interrogation, confrontation, presentation for identification, search, etc.) is also characterized by the criminal procedure legislation of countries such as Great Britain, Germany, Kazakhstan, China, Moldova, Finland, Sweden, Estonia (3, p. 125).

It is necessary to consider the practice of each of the named states separately, which will allow to get a complete picture of the phenomenon under consideration and to determine the ways and directions for improving the domestic criminal procedural legislation.

It is known, there is no CPC in Great Britain. Instead of it there are legal norms and institutions affecting various aspects of public life (8), (9, p. 98). In any way the absence of a codified CPC in Great Britain does not affect the quality of the conduct of criminal proceedings, since the procedure for prosecuting persons who have committed crimes is regulated by norms, albeit dispersed according to various regulatory acts.

A special role is assigned to the rules of evidence and proof in Great Britain criminal procedural law. This is mainly due to the fact that compliance with the rules for collecting evidence is not the main criterion for the admissibility of evidence. The key criterion is the substantive side

of evidence (usefulness for use in court proceedings). Usefulness in this context is the ability to confirm the fact of the crime and its circumstances.

Facts with sufficient evidentiary value are admitted as evidence, if they are not evidence "by hearing", that is, the testimony of persons referring to "other people's words" (2, p. 158). All other evidence is remotely recognized as evidence that has evidentiary value, whether it is obtained with the help of technical means or when solving problems of criminal proceedings.

If we compare the CPC of the Russian Federation and the criminal procedure legislation of England, we can note a number of distinctive features. Firstly, in Great Britain there is no preliminary investigation as a separate stage of criminal proceedings, and, accordingly, there is no strict procedural regulation of investigative actions to collect evidence (2, p. 159). In turn, the norms of domestic legislation devoted to the general conditions, forms and procedure for conducting a preliminary investigation are placed in a separate section (Section VI of CPC of the Russian Federation "Preliminary Investigation"). Secondly, unlike the CPC of the Russian Federation, which includes Section III "Evidence and Proof", there is no special list of types (sources) of evidence in English criminal procedure law. Evidence under the criminal procedural law of Great Britain is any information and data related to the event under investigation and obtained without prejudice to the rights of the individual. Thirdly, Russian criminal procedural law is built and interpreted from the point of view of the principle of permissiveness ("what is not permitted by law is directly prohibited"), and the criminal procedure law of Great Britain is based on the principle of prohibition ("everything that is not prohibited by law, then allowed) (2, p. 159).

The above postulates confirm the relevance, timeliness and necessity of researching the issue under consideration.

The system of methods of proof, historically formed in the judicial practice of Great Britain, is based on the principle of restrictions, that is, if the law does not prohibit the parties from adhering to a specific method of proof, then this method is quite acceptable. In this view, any procedure for conducting investigative actions, including remote ones, aimed at obtaining evidentiary information, is welcomed in Great Britain criminal proceedings.

According to the CPC of the Federal Republic of Germany (hereinafter referred to as the FRG), the forms of preliminary investigation are different, ranging from the traditional, remote, and ending with a mixed procedure for investigating a criminal case. It is due to the desire to correspond to the specifics of certain crimes or behavior and location of suspects (10).

Remote forms of preliminary investigation used in the Federal Republic of Germany are of interest for this study. The literal interpretation of individual norms of the CPC of the FRG suggests that in the state under consideration, remote investigative actions can form the basis of the

investigation as a whole (11). However, the CPC of the FRG provides that during the preliminary investigation the following investigative actions can be carried out remotely: an online search (Section 100b of the CPC of the FRG) and the use of technical means of audio and video recording in the house and means of tracking (Section 100c of the CPC of the FRG) (11), (12).

As for the legally regulated investigative action as online search, it should be noted that it is aimed at finding, detecting and seizing items through the use of modern scientific and technical means. According to § 100b of the CPC of the FRG, conducting an online search implies the remote installation of a special virus program "Staatstrojaner" on the suspect's computer, which records all the information of interest for the investigation (video calls, messages, photographs, etc.) to the computer of the investigating authority, where it creates a special folder, which name consists of the date and address which the investigative action was carried out at. This investigative action is not always carried out, but only when serious crimes and crimes of a terrorist nature are investigated in the presence of an appropriate sanction (9, p. 100), (13, p. 138), (14, p. 218).

Another investigative action carried out remotely and provided by the CPC of the FRG is the use of technical means of audio and video recording in the house and means of tracking. It would be more expedient to define the named event not as an investigative action, but as a different action. According to the CPC of the FRG, the named investigative action involves the installation of hidden cameras and audio recorders in the suspect's house, as well as the installation of "beacons" on the suspect's vehicle. The information received is transmitted and recorded in the memory of a computer located in the investigative body. Like the online search, the investigative action in question is applied with the permission of the court.

Among the advantages of the CPC of the FRG, it is worth noting a high level of legal concretization, the absence of a "pile-up" of articles, an unjustified volume of repetitions (12). Among the shortcomings there are conflicts between individual norms, in particular, the norms concerning the remote conduct of investigative actions. At the same time, it allows to assert that the criminal procedure legislation of the FRG meets the requirements of the time, and therefore the Russian criminal process has something to focus on and pay attention to.

The experience of Estonia is also interesting in this issue. The CPC of the Republic of Estonia provides a number of norms according to which it is permissible to use information technology in the conduct of investigative actions. In this state the use of information technologies is considered as the main means of fixing and storing legally significant information (3, p. 133). Moreover, the criminal procedural legislation of Estonia not only allows, but also legislatively regulates their use in the investigation of criminal cases.



Art. 11 of the CPC of the Republic of Estonia allows the recording of the court session, which is also specified in Art. 13 of this Code (15), (16). The fact that it is allowed to record the course of a court session with the help of technical means in Estonia is a regulated possibility of their use to collect evidence in a criminal case.

The fact is noteworthy that according to Art. 60 of the CPC of the Republic of Estonia "the court may recognize a circumstance generally known, reliable information about which can be obtained from non-procedural sources." The provisions of the named article make it possible to recognize as evidence the information obtained by means of modern remote technologies.

Part 1 of Art. 63 of the CPC of the Republic of Estonia defines evidence as "testimony of a suspect, an accused, a victim and a witness, an expert opinion, an expert's testimony explaining the examination report, physical evidence, protocols of investigative actions, court hearings and operational-search actions and other documents, as well as photographs, films and other recording of information". Part 2 of the named article states that other evidence not listed in part 1 of Art. 63 of the CPC of the Republic of Estonia, which are obtained in a way that does not infringe upon the honor and dignity of the person participating in their collection, does not threaten his life or health and does not cause unjustified property damage (15), (16).

In Art. 69 of the CPC of the Republic of Estonia it is stipulated such an investigative action as remote interrogation (15), (16). The designated article also spells out cases in which it is permissible to conduct remote interrogation: "when direct interrogation of a witness is difficult; when direct examination of a witness will entail excessive costs; or when witness protection is necessary".

Within the meaning of the CPC of the Republic of Estonia, distance interrogation means:

1) an interrogation carried out with the help of technical means, as a result of which the participants in the process in a live broadcast directly see and hear the testimony of a witness who is not in the investigative body, prosecutor's office or court, and can ask him questions through the person conducting the proceedings;

2) interrogation carried out by telephone, as a result of which the participants of the process directly hear the testimony of a witness who is not in the investigative body or court, and can ask him questions through the person conducting the proceedings"(15), (16).

Part 6 of Art. 77 of the CPC of the Republic of Estonia allows to organize a confrontation with the help of technical means, but, unfortunately, does not provide the procedure for the production of remote confrontation (2, p. 134), (15).

Interrogation of an expert under Art. 109 of the CPC of the Republic of Estonia is carried out in compliance with the provisions of Art. 68 and 69 of the CPC of the Republic of Estonia, that is, it can be carried out remotely.

Presentation for identification, provided for in Art. 81 of the CPC of the Republic of Estonia can also be produced using technical means. However, the CPC of the Republic does not provide the procedure for its production.

In the considered state, the materials of remote investigative actions and the evidence obtained in the course of their production are stored in the form of a computer file of the electronic file system "E-toimik".

In Art. 148 of the CPC of the Republic of Estonia provides the procedure for recording and using evidential information in the form of photo and film materials, sound and video recordings (17, p. 641).

The Swedish CPC also provides for the possibility of conducting remote investigative actions, the procedure which does not significantly differ from the procedure provided by the CPC of the Republic of Estonia. So, Art. 144 of the Swedish CPC allows interrogation by videoconference both by the public prosecutor and by the court (14, p. 234).

Comparing the CPC of the Republic of Kazakhstan and the CPC of the Republic of Estonia, it should be noted that the CPC of the Republic of Kazakhstan in Art. 213 expanded the list of grounds for remote interrogation (3, p. 134). Thus, three more grounds are singled out separately: interrogation of juvenile witnesses and victims; ensuring compliance with the terms of pre-trial investigation; the existence of reasons giving reason to believe that the interrogation will be difficult or associated with unnecessary costs.

Teleconferencing is widely used for the production of remote interrogation in order to ensure the safety of a witness in the Republic of Moldova, (part 12, article 90 of the CPC of the Republic of Moldova) (18), (19, p. 83).

According to Art. 2 of the CPC of the Republic of Finland, investigative actions can even be carried out over the telephone, which is due to the desire to ensure the safety of participants in criminal proceedings.

China also provides the possibility of using remote technology to support the investigation of criminal cases. In particular, in Hong Kong, criminal case materials can be formed using only technical means and are stored in their memory. There are also additional guarantees for the protection of witnesses (when there are reasons to believe that the life, bodily integrity or freedom of a witness are in danger in connection with the testimony given by him in a criminal case) in the

form of providing the opportunity to testify not only on a live TV broadcast, but also through reproduction of a preliminary recorded video evidence in electronic form (3, p. 135).

Arguing about the problem of our state's lagging behind the overall digitalization process, we have to talk about the relevance of artificial intelligence technology, which has become not only widespread, but also consolidated in the regulatory legal acts of a number of foreign states (China, USA, South Korea, Japan, etc.). As for the Russian Federation, despite all the progressiveness of artificial intelligence technology, attempts at scientific comprehension and, moreover, discussion of this issue and making a decision on it at the level of state power (Decree of the President of the Russian Federation of October 10, 2019 No. 490 "On development of artificial intelligence in the Russian Federation ", which approved the National Strategy for the Development of Artificial Intelligence for the Period up to 2030 (20)), unfortunately, the complete absence of its criminal procedural regulation makes it impossible to apply it within the framework of domestic legislation.

Of course, artificial intelligence technology should in no way be considered as the main one, and, moreover, as a gradually replacing human tool for making a decision in a criminal case, which contradicts the principles, goals and objectives of crime investigation. At the same time, it is pertinent to say that artificial intelligence is quite justified to be considered as an auxiliary tool in the work of law enforcement officers (subjects involved in the disclosure and investigation of criminal cases) and an auxiliary means of forensic support of the preliminary investigation.

Exploring the problem of introducing technologies of informatization and artificial intelligence into the sphere of criminal proceedings, V.Yu. Fedorovich, O.V. Khimicheva, A.V. Andreev rightly note the auxiliary nature of artificial intelligence, justifying this by the possibility of providing assistance to persons investigating criminal cases, and, of course, by the lack of the necessary legal regulation of its application (21, p. 208).

Taking into consideration the vectors of development and the goals of using artificial intelligence technology by these foreign countries, there are broad opportunities for artificial intelligence technology, the consideration of which seems to be a separate scientific study due to the multidimensional and large array of information on this issue.

At the same time, it is worth noting that in relation to the Russian Federation, as it has been already determined, the artificial intelligence technology is considered from the position of an auxiliary tool in the investigation, and in relation to the topic of this study, the named technology can be used for the following purposes.

Firstly, artificial intelligence technology can rightfully serve as a way to assess evidence obtained during remote investigative actions. Drawing an analogy with the experience of using artificial intelligence technology in China, it is worth noting that its essence consists not only in

assessing evidence obtained through remote investigative actions in terms of relevance, admissibility, reliability and sufficiency, but also in the possibility of analyzing the testimony of participants in criminal proceedings, data in the course of the preliminary investigation (21, p. 208), (22, p. 19).

According to the authors', the above theses will allow to ensure the forensic component of the investigation by obtaining the necessary and weighty evidence, as well as to reveal the discrepancy between the testimonies of the participants in the criminal process in matters that are essential for the investigation.

Secondly, artificial intelligence technology can also serve the purpose of creating and using a unified database aimed at recognizing and identifying traces of crimes, including those obtained during the remote production of investigative actions. The efficiency of using artificial intelligence technology in order to create a unified software and analytical environment with unified data processing is most clearly observed in the practice of the United States, where criminal case materials are not only stored in digital form, but also systematized by type of crime, taking into account the nature, motives and methods of their commission. (23, p. 20). The structuredness of the materials of criminal cases serves to reduce the duration of the investigation, optimize the investigation and increase its effectiveness. Projecting this opportunity into the mainstream of Russian legislation, the creation of a unified database aimed at recognizing and identifying traces of crimes will allow, at least, to systematize all traces of crimes seized during the investigation into a single database that ensures the constant filling and storage of forensically significant information, which will serve as a factor an increase in the cases of establishing coincidences of traces of crimes, and, accordingly, the detection of crimes. Unfortunately, at the present time there is no need to talk about more global capabilities for the reasons that have been described above.

**Conclusion.** Summing up the above, it is important to note that the studied experience of foreign countries regarding the legal regulation of remote investigative actions and artificial intelligence technology does not meet only the requirements of the time, but is also aimed at increasing the efficiency of detecting and investigating crimes. In this regard, it is expedient to revise a number of norms of the criminal procedure law of the Russian Federation in order to improve the procedure for the production of investigative actions and create a legal basis for the use of modern scientific and technical means designed to optimize and rationalize the procedure for obtaining evidentiary information.

Considering the fact that the legislation of a number of states allows the use of remote technologies during investigative actions and artificial intelligence technology in criminal cases, it is expedient to settle this issue within the framework of the criminal procedural legislation of the

Russian Federation, which will allow avoiding ambiguity and doubts about the interpretation of some of its provisions and significantly reduce the time, costs and improve the efficiency of the investigative action and the investigation as a whole.

It is proposed for these purposes:

1. To regulate the procedure for the use of modern scientific and technical means, the production of remote investigative actions and the provision of additional guarantees of objectivity and legality of criminal proceedings it is to state paragraph 6 of part 2 of Art. 74 of the CPC of the Russian Federation in the new edition: "other information and documents, including materials of the use of modern scientific and technical means (remote or local recording of the production of investigative and other actions), obtained in compliance with the principles of criminal proceedings."

2. To eliminate the legislative gap that allows the production of investigative actions in a remote format, it is necessary provide in the articles of the Criminal Procedure Code of the Russian Federation, which regulate the procedure for the production of investigative actions, the possibility of their production using modern remote technologies, adding an additional part with the following wording: "The production of an investigative action (to specify which one) is allowed by means of remote technologies that meet the requirements of the investigation, in cases where it is impossible to conduct it in person. The materials of remote investigative action have evidentiary value and are kept in the criminal case".

3. To resolve the issue of the use of artificial intelligence technology and the implementation of the provisions of the Decree of the President of the Russian Federation of October 10, 2019 No. 490 "On the development of artificial intelligence in the Russian Federation". The primary task is to make it legitimate through the appropriate legal regulation. A secondary task that requires its solution in the context under consideration is the adoption of measures to achieve the objectives above, which will certainly contribute to the effectiveness of the investigation.

Thus, the vector of changes in the Russian criminal procedural legislation governing the production of remote investigative actions at the preliminary investigation stage and the use of artificial intelligence technology should be aimed at the most effective use of modern digital technologies. On the one hand, it is necessary to take into account the positive foreign experience, and on the other, to focus on the historically conditioned domestic legislative experience, excluding the complete borrowing of a number of provisions of foreign norms (3, p. 136).

The conducted research allows to conclude that the remote conduct of investigative actions, as well as the use of artificial intelligence technology, is an urgent area of criminal procedural activity, and its legal regulation is the subject of separate scientific studies.

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