



REVISTA INCLUSIONES

HOMENAJE A CLAUDIA PEÑA TESTA

Revista de Humanidades y Ciencias Sociales

Volumen 7 . Número Especial

Octubre / Diciembre

2020

ISSN 0719-4706

CUERPO DIRECTIVO

Director

Dr. Juan Guillermo Mansilla Sepúlveda
Universidad Católica de Temuco, Chile

Editor

OBU - CHILE

Editor Científico

Dr. Luiz Alberto David Araujo
Pontificia Universidade Católica de Sao Paulo, Brasil

Editor Europa del Este

Dr. Aleksandar Ivanov Katrandzhiev
Universidad Suroeste "Neofit Rilski", Bulgaria

Cuerpo Asistente

Traductora: Inglés

Lic. Pauline Corthorn Escudero
Editorial Cuadernos de Sofía, Chile

Portada

Lic. Graciela Pantigoso de Los Santos
Editorial Cuadernos de Sofía, Chile

COMITÉ EDITORIAL

Dra. Carolina Aroca Toloza
Universidad de Chile, Chile

Dr. Jaime Bassa Mercado
Universidad de Valparaíso, Chile

Dra. Heloísa Bellotto
Universidad de Sao Paulo, Brasil

Dra. Nidia Burgos
Universidad Nacional del Sur, Argentina

Mg. María Eugenia Campos
Universidad Nacional Autónoma de México, México

Dr. Francisco José Francisco Carrera
Universidad de Valladolid, España

Mg. Keri González
Universidad Autónoma de la Ciudad de México, México

Dr. Pablo Guadarrama González
Universidad Central de Las Villas, Cuba

Mg. Amelia Herrera Lavanchy
Universidad de La Serena, Chile

Mg. Cecilia Jofré Muñoz
Universidad San Sebastián, Chile

Mg. Mario Lagomarsino Montoya
Universidad Adventista de Chile, Chile

Dr. Claudio Llanos Reyes
Pontificia Universidad Católica de Valparaíso, Chile

Dr. Werner Mackenbach
Universidad de Potsdam, Alemania
Universidad de Costa Rica, Costa Rica

Mg. Rocío del Pilar Martínez Marín
Universidad de Santander, Colombia

Ph. D. Natalia Milanesio
Universidad de Houston, Estados Unidos

Dra. Patricia Virginia Moggia Münchmeyer
Pontificia Universidad Católica de Valparaíso, Chile

Ph. D. Maritza Montero
Universidad Central de Venezuela, Venezuela

Dra. Eleonora Pencheva
Universidad Suroeste Neofit Rilski, Bulgaria

Dra. Rosa María Regueiro Ferreira
Universidad de La Coruña, España

Mg. David Ruete Zúñiga
Universidad Nacional Andrés Bello, Chile

Dr. Andrés Saavedra Barahona
Universidad San Clemente de Ojrid de Sofía, Bulgaria

Dr. Efraín Sánchez Cabra
Academia Colombiana de Historia, Colombia

Dra. Mirka Seitz
Universidad del Salvador, Argentina

Ph. D. Stefan Todorov Kapralov
South West University, Bulgaria

COMITÉ CIENTÍFICO INTERNACIONAL

Comité Científico Internacional de Honor

Dr. Adolfo A. Abadía

Universidad ICESI, Colombia

Dr. Carlos Antonio Aguirre Rojas

Universidad Nacional Autónoma de México, México

Dr. Martino Contu

Universidad de Sassari, Italia

Dr. Luiz Alberto David Araujo

Pontificia Universidad Católica de Sao Paulo, Brasil

Dra. Patricia Brogna

Universidad Nacional Autónoma de México, México

Dr. Horacio Capel Sáez

Universidad de Barcelona, España

Dr. Javier Carreón Guillén

Universidad Nacional Autónoma de México, México

Dr. Lancelot Cowie

Universidad West Indies, Trinidad y Tobago

Dra. Isabel Cruz Ovalle de Amenabar

Universidad de Los Andes, Chile

Dr. Rodolfo Cruz Vadillo

Universidad Popular Autónoma del Estado de Puebla, México

Dr. Adolfo Omar Cueto

Universidad Nacional de Cuyo, Argentina

Dr. Miguel Ángel de Marco

Universidad de Buenos Aires, Argentina

Dra. Emma de Ramón Acevedo

Universidad de Chile, Chile

Dr. Gerardo Echeita Sarrionandia

Universidad Autónoma de Madrid, España

Dr. Antonio Hermosa Andújar

Universidad de Sevilla, España

Dra. Patricia Galeana

Universidad Nacional Autónoma de México, México

Dra. Manuela Garau

Centro Studi Sea, Italia

Dr. Carlo Ginzburg Ginzburg

Scuola Normale Superiore de Pisa, Italia

Universidad de California Los Ángeles, Estados Unidos

Dr. Francisco Luis Girardo Gutiérrez

Instituto Tecnológico Metropolitano, Colombia

José Manuel González Freire

Universidad de Colima, México

Dra. Antonia Heredia Herrera

Universidad Internacional de Andalucía, España

Dr. Eduardo Gomes Onofre

Universidade Estadual da Paraíba, Brasil

Dr. Miguel León-Portilla

Universidad Nacional Autónoma de México, México

Dr. Miguel Ángel Mateo Saura

Instituto de Estudios Albacetenses "Don Juan Manuel", España

Dr. Carlos Tulio da Silva Medeiros

Diálogos em MERCOSUR, Brasil

+ Dr. Álvaro Márquez-Fernández

Universidad del Zulia, Venezuela

Dr. Oscar Ortega Arango

Universidad Autónoma de Yucatán, México

Dr. Antonio-Carlos Pereira Menaut

Universidad Santiago de Compostela, España

Dr. José Sergio Puig Espinosa

Dilemas Contemporáneos, México

Dra. Francesca Randazzo

Universidad Nacional Autónoma de Honduras, Honduras

Dra. Yolando Ricardo

Universidad de La Habana, Cuba

Dr. Manuel Alves da Rocha

Universidade Católica de Angola Angola

Mg. Arnaldo Rodríguez Espinoza

Universidad Estatal a Distancia, Costa Rica

REVISTA INCLUSIONES M.R.

REVISTA DE HUMANIDADES
Y CIENCIAS SOCIALES

Dr. Miguel Rojas Mix

*Coordinador la Cumbre de Rectores Universidades
Estatales América Latina y el Caribe*

Dr. Luis Alberto Romero

CONICET / Universidad de Buenos Aires, Argentina

Dr. Maura de la Caridad Salabarría Roig

Dilemas Contemporáneos, México

Dr. Adalberto Santana Hernández

Universidad Nacional Autónoma de México, México

Dr. Juan Antonio Seda

Universidad de Buenos Aires, Argentina

Dr. Saulo Cesar Paulino e Silva

Universidad de Sao Paulo, Brasil

Dr. Miguel Ángel Verdugo Alonso

Universidad de Salamanca, España

Dr. Josep Vives Rego

Universidad de Barcelona, España

Dr. Eugenio Raúl Zaffaroni

Universidad de Buenos Aires, Argentina

Dra. Blanca Estela Zardel Jacobo

Universidad Nacional Autónoma de México, México

Comité Científico Internacional

Mg. Paola Aceituno

Universidad Tecnológica Metropolitana, Chile

Ph. D. María José Aguilar Idañez

Universidad Castilla-La Mancha, España

Dra. Elian Araujo

Universidad de Mackenzie, Brasil

Mg. Romyana Atanasova Popova

Universidad Suroeste Neofit Rilski, Bulgaria

Dra. Ana Bénard da Costa

*Instituto Universitario de Lisboa, Portugal
Centro de Estudios Africanos, Portugal*

Dra. Alina Bestard Revilla

*Universidad de Ciencias de la Cultura Física y el Deporte,
Cuba*

CUADERNOS DE SOFÍA EDITORIAL

Dra. Noemí Brenta

Universidad de Buenos Aires, Argentina

Ph. D. Juan R. Coca

Universidad de Valladolid, España

Dr. Antonio Colomer Vialdel

Universidad Politécnica de Valencia, España

Dr. Christian Daniel Cwik

Universidad de Colonia, Alemania

Dr. Eric de Léséulec

INS HEA, Francia

Dr. Andrés Di Masso Tarditti

Universidad de Barcelona, España

Ph. D. Mauricio Dimant

Universidad Hebrea de Jerusalén, Israel

Dr. Jorge Enrique Elías Caro

Universidad de Magdalena, Colombia

Dra. Claudia Lorena Fonseca

Universidad Federal de Pelotas, Brasil

Dra. Ada Gallegos Ruiz Conejo

Universidad Nacional Mayor de San Marcos, Perú

Dra. Carmen González y González de Mesa

Universidad de Oviedo, España

Ph. D. Valentin Kitanov

Universidad Suroeste Neofit Rilski, Bulgaria

Mg. Luis Oporto Ordóñez

Universidad Mayor San Andrés, Bolivia

Dr. Patricio Quiroga

Universidad de Valparaíso, Chile

Dr. Gino Ríos Patio

Universidad de San Martín de Porres, Perú

Dr. Carlos Manuel Rodríguez Arrechavaleta

Universidad Iberoamericana Ciudad de México, México

Dra. Vivian Romeu

Universidad Iberoamericana Ciudad de México, México

**REVISTA
INCLUSIONES** M.R.
REVISTA DE HUMANIDADES
Y CIENCIAS SOCIALES

Dra. María Laura Salinas
Universidad Nacional del Nordeste, Argentina

Dr. Stefano Santasilia
Universidad della Calabria, Italia

Mg. Silvia Laura Vargas López
Universidad Autónoma del Estado de Morelos, México

**CUADERNOS DE SOFÍA
EDITORIAL**

Dra. Jaqueline Vassallo
Universidad Nacional de Córdoba, Argentina

Dr. Evandro Viera Ouriques
Universidad Federal de Río de Janeiro, Brasil

Dra. María Luisa Zagalaz Sánchez
Universidad de Jaén, España

Dra. Maja Zawierzeniec
Universidad Wszechnica Polska, Polonia

Editorial Cuadernos de Sofía
Santiago – Chile
OBU – C HILE

Indización, Repositorios y Bases de Datos Académicas

Revista Inclusiones, se encuentra indizada en:





REX



UNIVERSITY OF
SASKATCHEWAN



Universidad
de Concepción

BIBLIOTECA UNIVERSIDAD DE CONCEPCIÓN



**ADMISSIBILITY OF EVIDENCE IN CRIMINAL PROCEEDINGS
AND CRIMINAL LIABILITY FOR ITS VIOLATION**

Dr. Vladislav Leonidovich Kudryavtsev

Saint Petersburg Institute (Branch) of the All-Russian State University of Justice, Russia
ORCID: 0000-0003-3141-2676
vlad176@mail.ru

Dr. Olga Viktorovna Khimicheva

Moscow University of the Ministry of Internal Affairs of Russia named after V.Ya. Kikot, Russia
ORCID: 0000-0003-2295-2064
olga-him@mail.ru

Dr. Svetlana Mikhailovna Prokofeva

Saint Petersburg University of the Ministry of Internal Affairs of Russia, Russia
ORCID: 0000-0002-9145-0271
sveta_prokofyeva@mail.ru

Ph. D. (c) Vadim Sagit'yanovich Latypov

Ufa Law Institute of the Ministry of Internal Affairs of the Russian Federation, Russia
ORCID: 0000-0002-3166-8527
Vadi-latypov@yandex.ru

Ph. D. (c) Nataliia Sergeevna Latypova

Bashkir State University, Russia
ORCID: 0000-0002-4583-3765
marchrose@yandex.ru

Fecha de Recepción: 12 de junio de 2020 – **Fecha Revisión:** 23 de junio de 2020

Fecha de Aceptación: 27 de septiembre 2020 – **Fecha de Publicación:** 01 de octubre de 2020

Abstract

The article deals with the problems of criteria-based admissibility of evidence in criminal proceedings, which are considered through the prism of bringing a person to criminal responsibility for falsifying evidence. The paper draws several conclusions. Firstly, not every violation of the criteria for admissibility of evidence leads to criminal liability, but that committed with direct intent and associated with the falsification of evidence by subjects of criminal responsibility. Secondly, there is a difference in the subject composition between subjects of admissibility of evidence and subjects of criminal liability for falsification of evidence. Thirdly, when falsifying evidence, the subject forms the state of the proper source of evidence, the proper method of collecting evidence, and the proper procedure for conducting a procedural action, which should not be in reality. The article has a scientific value, representing a comprehensive analysis of interrelated and mutually dependent criminal procedure problems of admissibility of evidence and criminal liability for its violation.

Keywords

Proof – Admissibility of evidence – Criminal law – Crimes against justice – Falsification of evidence

Para Citar este Artículo:

Kudryavtsev, Vladislav Leonidovich; Khimicheva, Olga Viktorovna; Prokofeva, Svetlana Mikhailovna; Lapypov, Vadim Sagit'yanovich y Latypova, Nataliia Sergeevna. Admissibility of evidence in criminal proceedings and criminal liability for its violation. Revista Inclusiones Vol: 7 num Especial (2020): 94-101.

Licencia Creative Commons Attribution Non-Comercial 3.0 Unported
(CC BY-NC 3.0)

Licencia Internacional



Introduction

Even though many works have been devoted to the institute of admissibility of evidence in criminal proceedings, many issues in this area remain debatable in the literature to this day¹. This is naturally not only because key elements of the admissibility of evidence are reflected in Part 2 of Art. 50 of the Constitution, when "in administering justice it shall not be allowed to use evidence received by violating the federal law", but also because it protects the rights and legitimate interests of the person. It allows ensuring the accuracy of the evidence used when deciding on such a basic issue of a criminal case as the issue of whether or not a person is guilty of a crime, and is ultimately aimed at achieving the purpose of criminal proceedings.

Such a high significance of the admissibility of evidence in criminal proceedings allowed the legislator to establish criminal liability in Art. 303 of the Criminal Code of the Russian Federation for falsification of evidence and results of operational-search activities², in which the falsification of evidence in a criminal case is referred to in Part 2 and Part 3.

As a consequence of the foregoing, falsification of evidence in a criminal proceeding in the cases provided for in Part 2 and Part 3 of Art. 303 of the Criminal Code of the Russian Federation is not only a criminally punishable act but also entails the recognition of evidence inadmissible³.

Methods

The methods used were analysis and synthesis, induction and deduction, the ascent from the abstract to the concrete, as well as formal legal methods.

Results and Discussion

The position established by Part 2 of Art. 50 of the Constitution of the Russian Federation, that "in administering justice it shall not be allowed to use evidence received by violating the federal law" corresponds to Part 3 of Art. 7 of the Criminal Procedure Code of the Russian Federation and Art. 75 of the Code of Criminal Procedure of the Russian Federation.

¹ S. A. Solovov, *Blagopriyatstvovanie zashchite kak protsessualnyi mekhanizm obespecheniya ravenstva storon v ugovnom sudoproizvodstve Rossii*: Diss. ... kand. jurid. nauk (Moscow, 2019) y S. A. Sushchenko, *Nedopustimost dokazatelstv v ugovnom protsesse Rossiiskoi Federatsii i zarubezhnykh gosudarstv anglo-amerikanskoi i kontinentalnoi pravovykh semei: sravnitelno-pravovoe issledovanie*: Diss. ... kand. jurid. nauk (Moscow, 2020).

² V. L. Kudryavtsev, *Falsifikatsiya dokazatelstv i operativno-razysknoi deyatelnosti*, in: *Prestupleniya, sovershaemye litsami, osushchestvlyayushchimi pravosudie, predvaritelnoe sledstvie ili doznanie, a takzhe storonami po grazhdanskomu delu. Entsiklopediya ugovnogo prava Vol: 28. Prestupleniya protiv pravosudiya* (St. Petersburg: MIEP pri MPA EvrAZES, 2017) y G. G. Radionov, *Ugovnaya otvetstvennost za falsifikatsiyu dokazatelstv i rezultatov i operativno-razysknoi deyatelnosti*: Diss. ... kand. jurid. nauk (Moscow, 2015).

³ O. Ya. Baev, *Zashchita dokazatelstv v ugovnom sudoproizvodstve: monografiya* (Moscow: Prospect, 2016) y M. A. Fomin, *Praktika vyavleniya falsifikatsii dokazatelstv po ugovnym delam* (Moscow: Yurlitinform, 2019).

Explaining Part 2 of Art. 50 of the Constitution of the Russian Federation and Art. 75 of the Code of Criminal Procedure of the Russian Federation, the Plenum of the Supreme Court of the Russian Federation in paragraph 16 of its resolution of October 31, 1995 No. 8 "On some issues of application the Constitution of the Russian Federation by courts when administrating justice: resolution of the Plenum of the Supreme Court of the Russian Federation" (hereinafter the resolution of the Plenum of the RF Armed Forces of October 31, 1995 No. 8), points out that "Evidence must be recognized as obtained in violation of the law, if, during their collection and consolidation, human and civil rights guaranteed by the Constitution of the Russian Federation or the procedure for their collection and consolidation established by the criminal procedure legislation have been violated and also if the collection and consolidation of evidence were carried out by an inappropriate person or body or as a result of actions not provided for by procedural norms".

Despite the above-mentioned provisions of the law and the explanations of the Plenum, the question remains in the literature: do all violations of the criminal procedure law entail the inadmissibility of evidence?

A different number of criteria for the admissibility of evidence is distinguished in the science of criminal procedure⁴. Some name three criteria⁵, others – four⁶ or five⁷, but they all have the same criteria, including the proper subject of evidence, source of evidence, and method of collecting evidence.

These three criteria correspond to the above explanation of clause 16 of the Resolution of the Plenum of the RF Armed Forces of October 31, 1995 No. 8 on cases in which evidence should be considered inadmissible.

It is believed in the literature that the basis for the admissibility of evidence is a procedural form that serves two closely related, but not completely merging tasks: a) to protect the rights and legitimate interests of citizens in criminal proceedings; b) to ensure the reliability of evidence⁸.

Violation of such criteria for the admissibility of evidence as the proper subject of proof, source of evidence, and method of collecting evidence always leads to the fact that

⁴ V. V. Pushkarev; A. Gaevoy; A. V. Skachko; A. Kolchurin y D. N. Lozovsky, "Criminal Prosecution and Qualification of Cybercrime in the Digital Economy", Journal of Advanced Research in Dynamical and Control Systems Vol: 11 num 8 (2019): 2563-2566 y V. V. Pushkarev; P. V. Fadeev; S. A. Khmelev; N. Van Tien; E. A. Trishkina y A. A. Tsviliy-Buklanova, "Crimes in the Military-Industrial Complex (MIC)", International Journal of Recent Technology and Engineering Vol: 8 num 3 (2019): 7950 7952.

⁵ S. A. Sushchenko, Nedopustimost dokazatelstv v ugovolnom protsesse... 171.

⁶ N. M. Kipnis, Dopustimost dokazatelstv v ugovolnom su-doproizvodstve (Moscow: Yurist, 1995); V. L. Kudryavtsev, Realizatsiya konstitutsionno-pravovogo instituta kvalifitsirovannoi yuridicheskoi pomoshchi v deyatelnosti advokata (zashchitnika) v ugovolnom sudoproizvodstve (Moscow: Yurlitinform, 2008) y G. G. Radionov, Ugolovnaya otvetstvennost za falsifikatsiyu dokazatelstv... 53-54.

⁷ V. Z. Lukashevich, Ugolovnyi protsess Rossii: Obshchaya chast: Ucheb.dlya studentrv yuridicheskikh vuzov i fakultetov (Saint Petersburg: Publishing house of St. Petersburg State University, 2004), 196.

⁸ N. M. Kipnis, Dopustimost dokazatelstv v ugovolnom su-doproizvodstve (Moscow: Yurist, 1995) y G. M. Reznik, Vnutrennee ubezhdenie pri otsenke dokazatelstv (Moscow: Yuridicheskaya Literatura, 1977).

both the rights and legitimate interests of citizens in the criminal process are violated and the reliability of the evidence is not ensured. Accordingly, this should refer to the inevitability of doubts in the reliability of the evidence obtained in violation of any of the three criteria, that is, the irrefutable presumption of inadmissibility of evidence.

Such a criterion for the admissibility of evidence as to the proper procedure for conducting a procedural action also follows from paragraph 16 of the Resolution of the Plenum of the RF Armed Forces of October 31, 1995 No 8. This criterion is drawn to the attention of representatives of the second point of view, writing about the four criteria of admissibility⁹. In this case, it all depends on the nature of the violation and the possibility of carrying out investigative (judicial) actions aimed at obtaining factual data and eliminating the arisen doubt about the reliability. For example, if there is no signature of one of the attesting witnesses in the on-site inspection report, then such a violation can be eliminated by interrogating him/her in court and if it is established that he/she simply forgot to sign the protocol. In cases where it is impossible to interrogate an attesting witness (for example, he/she died) or during interrogation it is established that he/she did not participate in the investigative action, then such a violation always entails an irreparable doubt about the reliability of the evidence and, therefore, the evidence should be recognized as inadmissible.

Thus, the criteria for the admissibility of evidence in criminal proceedings should include: the proper subject of proof; the proper source of evidence; the proper method of collecting evidence; the proper procedure for conducting a procedural action.

In case of violation of which criteria of admissibility of evidence, can a person be prosecuted for falsification of evidence?

A comparative analysis of the criteria for the admissibility of evidence in criminal proceedings and the main and qualified elements of falsification of evidence in a criminal case allows coming to the following conclusions.

Firstly, not every violation of the criteria for the admissibility of evidence leads to criminal liability, but only that committed with direct intent and associated with the falsification of evidence subject to criminal liability and, in some cases, criminal liability under Part 2 or Part 3 of Art. 303 of the Criminal Code of the Russian Federation does not occur.

Secondly, there is a difference in the subject composition between the subjects of admissibility of evidence and the subjects of criminal liability for falsification of evidence. If the proper subject of admissibility of evidence can only be an official authorized to collect evidence in a criminal case, then the subject of criminal liability for falsification of evidence can be not only an official authorized to collect evidence (for example, an investigator, inquirer), but also such a participant in criminal proceedings as a defender.

In this regard, it is appropriate to bring the point of view about the existence of "asymmetry of the rules of admissibility of evidence" in the criminal process of Russia.

⁹ V. L. Kudryavtsev, *Realizatsiya konstitutsionno-pravovogo instituta kvalifitsirovannoi yuridicheskoi pomoshchi v deyatelnosti advokata (zashchitnika) v ugovnom sudoproizvodstve* (Moscow: Yurlitinform, 2008) y V. L. Kudryavtsev, "Nekotorye teoretiko-metodologicheskie problemy obektivnoi storony falsifikatsii dokazatelstv i rezultatov operativno-rozysknoi deyatelnosti (st. 303 UK RF)", *Evraziiskaya advokatura* Vol: 4 num 35 (2018): 59-64.

According to it, the rules on the inadmissibility of evidence refer only to incriminating evidence, while exculpatory evidence obtained in violation of the law can be used by the defense¹⁰.

This rule is proposed to be legalized by including the corresponding norm in the criminal procedure law¹¹.

In the literature, not everyone shares the position of the existence of "asymmetry of the rules of admissibility of evidence", and there are those who disagree with this rule due to contradiction to the criminal procedure law.¹²

Part 2 of Art. 50 of the Constitution of the Russian Federation, Part 3 of Art. 7 of the Criminal Procedure Code of the Russian Federation, and Part 1 of Art. 75 of the Code of Criminal Procedure of the Russian Federation refer to recognizing as inadmissible evidence, both incriminating and exculpatory, obtained in violation of the Code of Criminal Procedure of the Russian Federation and any advantages to someone, including the defense or defender concerning exculpatory evidence obtained in violation of the law.

Moreover, as follows from the system analysis of Part 3 of Art. 7 of the Criminal Procedure Code of the Russian Federation and Part 1 and Part 3 of Art. 86 of the Code of Criminal Procedure of the Russian Federation, the defender is not endowed with the authority to collect evidence. This leads, on the one hand, to the fact that he/she is not listed among the subjects whose activities entail the recognition of evidence obtained in violation of the law inadmissible (Part 3 of Art. 7 of the Code of Criminal Procedure of the Russian Federation). On the other hand, under collecting evidence, the law understands his/her activity aimed at collecting factual material with the property of relevance, which he/she then presents to the person conducting the proceedings to obtain the property of admissibility.

If the evidence is falsified by the defense lawyer, he/she is subject to criminal liability (Part 2 and Part 3 of Art. 303 of the Criminal Code of the Russian Federation).

Thirdly, when falsifying evidence, the subject forms the state of the proper source of evidence, the proper method of collecting evidence, and the proper procedure for conducting a procedural action, which does not exist and should not exist in reality and he/she knows about it.

Evidence can be falsified based on the etymology of the word "falsification", as well as unity and differentiation of the content and form of the proof by a) making untrue changes in the content proof at the constant shape; b) substitution of one proof for another, similar to

¹⁰ A. V. Pobedkin y V. A. Gavrikov, "O nekotorykh problemakh opredeleniya dopustimosti dokazatelstv v ugovnom protsesse" Gosudarstvo i parvo num 7 (1999): 53-56; G. M. Reznik, "O dopustimosti dokazatelstv, taktike zashchity i obvineniya", Rossiiskaya yustitsiya num 4 (1996) y V. M. Savitskii, Poslednie izmeneniya v UPK: prodolzhenie demokratizatsii sudoproizvodstva (vstupitelnaya statya k UPK) (Moscow: Antares, 1994).

¹¹ S.A. Solovev, Blagopriyatstvovanie zashchite kak protsessualnyi mekhanizm obespecheniya ravenstva storon v ugovnom sudoproizvodstve Rossii: Diss. ... kand. jurid. nauk (Moscow, 2019), 16

¹² V. L. Kudryavtsev, "Nekotorye voprosy dopustimosti dokazatelstv v kontekste naznacheniya ugovnogo sudoproizvodstva v Rossiiskoi Federatsii", Rossiiskii sledovatel num 24 (2012) y L.V. Golovko, Kurs ugovnogo protsessa (Moscow: Statut, 2016).

it, but with a changed content that does not correspond to reality; c) creation of new evidence that did not previously exist with content that does not correspond to reality.

Thus, falsification of evidence cannot be carried out by destroying or hiding evidence, however, the admissibility of evidence in this way is impossible.

Conclusion

Based on all the above, it can be concluded that a comprehensive cross-sectoral study can identify the general and the particular between the admissibility of evidence as an institution of criminal procedure law and falsification of evidence as a crime, as well as establish a relationship and interdependence between them, thereby improving the quality of scientific research.

References

Baev, O. Ya. Zashchita dokazatelstv v ugovnom sudoproizvodstve: monografiya. Moscow: Prospect. 2016.

Fomin, M. A. Praktika vyavleniya falsifikatsii dokazatelstv po ugovnym delam. Moscow: Yurlitinform. 2019.

Golovko, L. V. Kurs ugovnogo protsessa. Moscow: Statut. 2016.

Kipnis, N. M. Dopustimost dokazatelstv v ugovnom su-doproizvodstve. Moscow: Yurist. 1995.

Kudryavtsev, V. L. Falsifikatsiya dokazatelstv i operativno-razysknoi deyatelnosti, in: Prestupleniya, sovershaemymi litsami, osushchestvlyayushchimi pravosudie, predvaritelnoe sledstvie ili doznanie, a takzhe storonami po grazhdanskomu delu. Entsiklopediya ugovnogo prava Vol: 28. Prestupleniya protiv pravosudiya. St. Petersburg: MIEP pri MPA EvrAZES. 2017.

Kudryavtsev, V. L. Nekotorye teoretiko-metodologicheskie problemy obektivnoi storony falsifikatsii dokazatelstv i rezultatov operativno-rozysknoi deyatelnosti (st. 303 UK RF). Evraziiskaya advokatura Vol: 4 num 35 (2018): 59-64.

Kudryavtsev, V. L. "Nekotorye voprosy dopustimosti dokazatelstv v kontekste naznacheniya ugovnogo sudoproizvodstva v Rossiiskoi Federatsii". Rossiiskii sledovatel num 24 (2012): 2-5.

Kudryavtsev, V. L. Realizatsiya konstitutsionno-pravovogo instituta kvalifitsirovannoi yuridicheskoi pomoshchi v deyatelnosti advokata (zashchitnika) v ugovnom sudoproizvodstve. Moscow: Yurlitinform. 2008.

Lukashevich, V. Z. Ugovnyi protsess Rossii: Obshchaya chast: Ucheb.dlya studentrv yuridicheskikh vuzov i fakultetov. Saint Petersburg: Publishing house of St. Petersburg State University. 2004.

Pobedkin, A. V. y Gavrikov, V. A. "O nekotorykh problemakh opredeleniya dopustimosti dokazatelstv v ugovnom protsesse". Gosudarstvo i pravo num 7 (1999): 53-56.

Pushkarev, V. V.; Fadeev, P. V.; Khmelev, S. A.; Van Tien, N.; Trishkina, E. A. y Tsviliy-Buklanova, A. A. "Crimes in the Military-Industrial Complex (MIC)". International Journal of Recent Technology and Engineering Vol: 8 num 3 (2019): 7950 7952.

Pushkarev, V. V.; Gaevoy, A.; Skachko, A. V.; Kolchurin, A. y Lozovsky, D. N. "Criminal Prosecution and Qualification of Cybercrime in the Digital Economy". Journal of Advanced Research in Dynamical and Control Systems Vol: 11 num 8 (2019): 2563-2566.

Radionov, G. G. Ugolovnaya otvetstvennost za falsifikatsiyu dokazatelstv i rezultatov i operativno-razysknoi deyatel'nosti: Diss. ... kand. yurid. nauk. Moscow. 2015.

Reznik G. M. Vnutrennee ubezhdenie pri otsenke dokazatelstv. Moscow: Yuridicheskaya Literatura. 1977.

Reznik, G. M. "O dopustimosti dokazatelstv, taktike zashchity i obvineniya". Rossiiskaya yustitsiya num 4 (1996): 43.

Savitskii, V. M. Poslednie izmeneniya v UPK: prodolzhenie demokratizatsii sudoproizvodstva (vstupitel'naya statya k UPK). Moscow: Antares. 1994.

Solovev, S. A. Blagopriyatstvovanie zashchite kak protsessualnyi mekhanizm obespecheniya ravenstva storon v ugovnom sudoproizvodstve Rossii: Diss. ... kand. yurid. nauk. Moscow. 2019.

Sushchenko, S. A. Nedopustimost dokazatelstv v ugovnom protsesse Rossiiskoi Federatsii i zarubezhnykh gosudarstv anglo-amerikanskoi i kontinentalnoi pravovykh semei: sravnitel'no-pravovoe issledovanie: Diss. ... kand. yurid. nauk. Moscow. 2020.