

Kazan November 13-20, 2023

From November 13 to November 20, 2023, Head of the Legal Research Laboratory of the Research Institute of EPI of KarUKazportebsoyuz Bakishev A.Kh. and leading researcher at the Research Institute of EPI of KarUKazportebsoyuz Fetkulov A.Kh. were on a business trip in the city of Kazan in order to implement the calendar plan of a scientific project on the topic: “Criminal-legal and criminological measures to ensure safety during mining or construction work” (IRN AR 19675171).

During the trip the following tasks were solved:

- collection of empirical material on the topic of research and official statistics (survey and questionnaire);
- analysis of investigative and judicial practice, foreign experience in the field of combating offenses in the field of safety and labor protection;
- meeting with experts and scientists dealing with problems in the field of safety during mining or construction work.

The duration of the business trip to Kazan was 7 days. We arrived at the Kazan Federal (Volga Region) University, Faculty of Law (Kremlevskaya St., 18). The Faculty of Law of the Kazan Federal University is one of the oldest higher legal educational institutions in Russia, which employs prominent scientists, lawyers and jurists who have scientific works and practical experience in combating offenses in the field of labor protection.

A meeting was held with the leadership of the Faculty of Law (Dean of the Faculty, Doctor of Law, Prof. L.T. Bakulina), during which the purpose and objectives of the visit were discussed, then permission was received to meet with the faculty of the Faculty.

A meeting was organized with the head of the Department of Criminal Law, Doctor of Law, Prof. Talan M.V. The main scientific direction of the department: “Criminal legal, penal and criminological means of ensuring the security of humans, society and the state.” Additional scientific direction: “Criminal legal support for improving the quality of public health.” The indicated directions correspond to the topic of the scientific project.

With Professor Talan M.V. criminal legal problems of ensuring labor safety and health were discussed, mainly related to the qualification and imposition of punishment for violation of safety rules during mining and construction work. Thus, it was noted that the criminal legislation of the Russian Federation has a similar article 216, which has some differences. It is called “Violation of safety rules during construction or other work.” Thus, the Russian legislator in 2018 abandoned the word “mining”. In this regard, the advantages and disadvantages of the legislative structure of the new edition of Art. 216 of the Criminal Code of the Russian Federation and the practice of its application by Russian courts, the content of the concept of “other work”, which the law enforcement officer in some cases interprets ambiguously, which leads to errors in the classification of the crime. Issues regarding resolving difficulties arising in the interpretation of Art. 216 of the Criminal Code of the Republic of Kazakhstan, advantages and

disadvantages of Art. 277 of the Criminal Code of the Republic of Kazakhstan. Recommendations were received to improve legislative and law enforcement practices in combating violations in the field of labor protection.

After the completion of the conversation, interviews were conducted with teaching staff and experts. The Department of Criminal Law employs 14 teachers, of which 4 are Doctors of Law and 9 Candidates of Legal Sciences. We agreed to hold another meeting with the Department of Criminal Law to discuss other issues on the topic of scientific research.



November 15, 2023. there was another meeting with the head of the department of criminal law, doctor of legal sciences, prof. Talan M.V. and the teaching staff of the department, where a discussion of criminological problems of preventing violations of safety rules during mining and construction work took place, and familiarization with the work of the department's teachers in this area. It was noted that the identity of the person who violates the rules when conducting mining or construction work requires further study in modern conditions of development of the mining and construction industries. In particular, the motivations of such people underlying their destructive behavior, as well as the factors that give rise to such behavior, should be studied and carefully analyzed. It was also emphasized that the reason for violation of safety rules during mining or construction work can be not only the asocial positions of workers, but also defects in their psychophysiological sphere associated with the perception of the situation, data processing and decision-making.

In addition to the topic of scientific research, issues of further scientific cooperation between the Department of Criminal Law of Kazan University and the Research Institute of EPI of Karaganda University of Kazpotrebsoyuz were

also discussed, for which the need was expressed for concluding a special agreement or Memorandum of Scientific Cooperation. The meeting was attended by the Deputy Dean of the Faculty of Law for educational activities, Ph.D. Khabibullin N.E., who positively assessed this proposal and intentions for cooperation.

On November 16, 2023, we worked at the Russian State Library (Kazan, Tatarstan St., 2), which contains the full texts of dissertations and monographs on the research topic. Archive depth from 1995. Access to scientific literature (monographs and dissertations) is provided only from library computers. At KFU, access to the library collection is also organized at the following addresses: Kazan, st. Kremlevskaya, 35; Kazan, st. Butlerov, 4, as well as in the libraries of Naberezhnye Chelny (Syuyumbike Ave., 10a) and Elabuga (Kazanskaya St., 89).



On November 17, 2023 there was a meeting with the scientific director of the Faculty of Law, Honored Lawyer of the Russian Federation, Doctor of Law, Prof. Tarkhanov I.A., who is a member of the scientific advisory council at the Supreme Court of the Russian Federation and chairman of the commission on pardons in the Republic of Tatarstan. Issues regarding the practice of application by the courts of the Russian Federation of the criminal law regulating liability for violation of labor protection rules were discussed with him. He noted that Russian courts are currently experiencing certain difficulties in imposing punishment on those guilty of committing this crime. The reason is the complex nature of the cause-and-effect relationship between the violation of special rules and the harmful consequences that have occurred, and the nature of the guilt, which are very difficult to establish. This gives rise to difficulties, the resolution of which requires special clarification by the Supreme Court of the Russian Federation in a special resolution.

A meeting was held with Doctor of Law, Prof. Golubev S.I., who is a specialist in the field of labor protection. During the meeting, criminal-legal and administrative-legal problems of liability for violation of safety rules during mining and construction work were discussed, and his work in this area was familiarized with. There was also an exchange of views on current criminal legislation in the field of labor protection and prospects for its further development.



November 18, 2023 work at the Russian State Library (Kazan, Tatarstan St., 2). Scientific works (monographs and dissertations) devoted to the problem of preventing violations of safety rules during mining or construction work were studied. In total, more than 15 monographs and dissertations were studied on the topic of the study, published and defended over the past 5 years and reflecting modern trends in countering this negative social phenomenon.



The purpose and objectives of the business trip carried out within the framework of the calendar plan were fully fulfilled.

The report was heard at a meeting of the Research Institute of EPI of the University (Minutes No. 6 of November 21, 2023).