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MEASURES OF RESTRAINT APPLIED TO SUSPECTS ACCUSED OF COMMITTING CORRUPTION CRIMES IN THE RUSSIAN FEDERATION: A LEGAL ANALYSIS AND STATISTICAL STUDY

Abstract.

This article presents a comprehensive study of the application of measures of restraint against individuals accused of committing corruption-related crimes in the Russian Federation. Based on an analysis of statistical data from the Judicial Department under the Supreme Court of the Russian Federation and the General Prosecutor's Office of the Russian Federation for 2023-2025, the paper examines the practice of imposing various measures of restraint, including detention in custody, house arrest, and bail. Special emphasis is placed on the legal grounds for applying measures of restraint in corruption-related cases. The study also identifies problematic aspects of law enforcement practice and proposes directions for improving the legislative regulation of the institute of measures of restraint in the context of combating corruption.

Keywords: measures of restraint; corruption crimes; detention in custody; house arrest; bail; bribery; judicial statistics; criminal procedure.

Corruption-related manifestations constitute a serious threat to the effective functioning of state institutions and the legal system of the Russian Federation. A

key role in countering such acts is played by the proper use of procedural coercive mechanisms, in particular measures aimed at preventing evasion of criminal liability and obstruction of criminal proceedings by persons against whom charges of committing corruption crimes have been brought.

The relevance of this study is determined by the alarming trend of expanding statistical indicators of detected corruption offenses in the state. According to data published by the Prosecutor General's Office of the Russian Federation, in 2024 law enforcement agencies detected 38,500 corruption-related crimes, which exceeds the figures for the previous period by 5.7 percent (36,400 in 2023). The share of offenses related to the acceptance of unlawful remuneration in the overall classification of corruption acts increased from 55.7 percent in 2023 to 60.3 percent in 2024. In the first three months of the current year, the rate of detection of crimes in this category accelerated, with an increase of 24 percent compared to the corresponding quarter of the previous year (15,458 versus 12,466 acts).

These trends create for public authorities responsible for maintaining law and order and for the judiciary an objective need to ensure the effective conduct of investigative actions and fair judicial proceedings in corruption cases, which is inextricably linked to the competent application of coercive measures available under procedural law. At the same time, the task of finding an optimal balance between the needs of criminal proceedings in achieving their purposes and the protection of the constitutional guarantees of the accused, relating to personal liberty and protection from arbitrariness, is acquiring critical importance.

The aim of this study is to carry out a multifaceted analysis of existing law-enforcement practice in the use of procedural coercive measures with respect to persons accused of corruption offenses, using up-to-date statistical materials and identifying systemic problems in this sphere.

The international system of legal norms aimed at combating corruption envisions the application of specific procedural mechanisms to individuals suspected or charged with corruption-related crimes. The United Nations Convention against Corruption, adopted by the global community on 31 October 2003 and subsequently

ratified by the Russian Federation, establishes several key provisions regulating the use of procedural measures of compulsion toward suspects in such cases.

The provisions of Article 30 of this Convention establish for States Parties an obligation to adopt appropriate organizational and regulatory measures to ensure that the conditions set in connection with decisions on release pending trial or pending final consideration of an appeal provide an adequate level of guarantees of the accused's appearance at subsequent stages of criminal proceedings. In addition, this international legal instrument provides that, when deciding on the admissibility of conditional or early release of persons convicted of corruption offenses, States Parties must duly take into account the heightened degree of danger posed by such crimes.

The problem of corruption remains one of the most acute challenges for the legal system of the Russian Federation. Effective counteraction to corruption-related manifestations is impossible without the proper use of procedural coercive measures, primarily preventive measures, which are designed to ensure the inevitability of criminal liability and to prevent the possibility of obstruction of criminal proceedings by the accused.

The relevance of the study is due to the stable trend of growth in the number of detected corruption crimes in Russia. According to the Prosecutor General's Office of the Russian Federation, in 2024, 38,500 corruption crimes were detected, which is 5.7 percent more than in 2023 (36,400 crimes). At the same time, the share of bribery in the overall structure of corruption crimes increased from 55.7 percent in 2023 to 60.3 percent in 2024. In the first quarter of 2025, a further increase in the number of detected corruption crimes was recorded—by 24 percent compared to the same period in 2024 (15,458 versus 12,466 crimes).

This dynamic sets before law enforcement bodies and the judiciary the task of ensuring effective investigation and judicial consideration of corruption cases, which is impossible without the correct application of preventive measures. Of particular importance is the issue of maintaining a balance between the need to

ensure the objectives of criminal proceedings and the constitutional rights of the accused to liberty and personal inviolability.

The purpose of this study is a comprehensive analysis of the practice of applying preventive measures in respect of persons accused of corruption crimes on the basis of current statistical data and the identification of problems of law enforcement.

An important role in the application of preventive measures in corruption cases is played by the clarifications given in Resolution No. 41 of the Plenum of the Supreme Court of the Russian Federation of 19 December 2013 “On the practice of application by courts of legislation on preventive measures in the form of detention in custody, house arrest, bail and prohibition of certain actions”. In particular, paragraph 2 obliges the court to carefully verify the reasonableness of suspicion; paragraph 3 explains the grounds for choosing detention; paragraph 5 specifies the factual circumstances justifying the strict measure; paragraph 6 requires an assessment of the circumstances listed in Article 99 of the Code of Criminal Procedure of the Russian Federation; paragraphs 7–8 establish the specifics of applying measures in economic crimes; paragraphs 21–23 regulate the extension of the terms of detention.

The United Nations Convention against Corruption, adopted on 31 October 2003 and duly ratified by the Russian Federation, sets forth several significant provisions governing procedural measures applicable to individuals charged with corruption-related offenses. In particular, Article 30 of the Convention requires each State Party to implement suitable mechanisms ensuring that decisions on pre-trial release or release pending appeal duly consider the necessity of securing the accused’s presence throughout subsequent criminal proceedings.

Moreover, the Convention stipulates that, when assessing the possibility of early or conditional release of persons convicted of corruption offenses, States Parties must take into account the seriousness and gravity of such crimes.Article 31 of the Convention provides for the possibility of adopting measures for the freezing, seizure and confiscation of proceeds of corruption offenses. In 2024, in Russia,

property, money and valuables worth more than 25 billion rubles were arrested and confiscated in completed corruption cases.

According to the Judicial Department of the Supreme Court of the Russian Federation, in 2024 the courts received 92,681 motions for the selection of a preventive measure in the form of detention, of which 82,514 were granted, which amounts to 89.0 percent of the total number of motions submitted. This indicates a high level of satisfaction of investigative authorities' motions to apply this preventive measure. The steady increase in the number of detected corruption crimes is accompanied by active use of preventive measures, primarily detention in custody.

In the first ten months of 2024, almost 18,000 corruption-related crimes were detected, which is 6.4 percent more than in the same period of 2023, while the number of instances of accepting bribes increased by 28.5 percent. In the second quarter of 2025, several high-ranking officials accused of corruption crimes were detained and placed in custody: on 16 April 2025, the Meshchansky District Court of Moscow selected detention in custody as a preventive measure with respect to the former governor of the Kursk Region, accused of large-scale fraud (Part 4 of Article 159 of the Criminal Code of the Russian Federation) involving the embezzlement of more than 1 billion rubles in the construction of defensive facilities; on 10 June 2025, the Basmanny District Court of Moscow sent the mayor of Krasnoyarsk to a pre-trial detention center on charges of accepting a particularly large bribe (more than 180 million rubles between 2018 and 2024).

These examples confirm that detention in custody as a preventive measure continues to be actively applied to high-ranking individuals accused of serious corruption crimes. One of the main problems is the excessive use of detention when there is a possibility of applying milder preventive measures. The high percentage of granted motions by investigative bodies (89 percent in 2024) indicates that courts often adopt a formal approach to assessing the justification for this measure.

A specific feature of corruption crimes is that their perpetrators are, as a rule, persons occupying a certain social position—officials of state authorities, municipal entities, state and municipal institutions, as well as persons performing managerial

functions in commercial organizations. The application of detention to such persons may undermine their authority and cause significant material and moral harm, which subsequently cannot be fully compensated even where rehabilitation is available. At the same time, the accused may turn out to be innocent, whereas statistics show that in 2024 only 0.25 percent of defendants were acquitted, which is an extremely low figure.

The application of custodial detention substantially restricts the accused's capacity to fully exercise the right to defense, as individuals held in custody face significant obstacles in maintaining effective communication with their legal representatives. Defense attorneys, in turn, must navigate a cumbersome and lengthy procedure to gain access to clients held in pre-trial detention facilities, which ultimately undermines the adversarial balance of criminal proceedings. Moreover, in practice, the choice of preventive measure often becomes an instrument of pressure on the accused to obtain confessions: if a person admits guilt, house arrest or a prohibition of certain actions is chosen, otherwise detention in custody is imposed. Such practice contradicts the presumption of innocence and puts the accused in a position where he or she is forced to choose between liberty and the right to defense.

Current legislation contains a number of gaps in the regulation of the application of preventive measures in corruption cases. First, the criteria for the impossibility of using a milder preventive measure, which is a mandatory condition for the selection of detention in custody, are not clearly defined. In practice, this leads to courts limiting themselves to a general reference to the impossibility of applying another measure without providing specific reasons. Second, the mechanism for extending the term of detention requires improvement. According to the Chair of the Supreme Court of Russia, in 2024 the number of motions for extension of detention amounted to 172,000, which is 7 percent less than in 2023, yet the problem of a formal approach by courts to the consideration of such motions persists.

On the basis of the analysis carried out, it appears appropriate to introduce the following amendments to legislation. First, to enshrine in the Code of Criminal Procedure of the Russian Federation specific features of the application of preventive measures in corruption cases, providing for: (1) the mandatory justification of the impossibility of applying a milder preventive measure with reference to the concrete circumstances of the case. Second, to improve the institution of bail by: (1) establishing a rule for determining the amount of bail on the basis of the damage caused by the crime; (2) simplifying the procedure for paying bail, including by providing for non-cash transactions; (3) regulating in detail the procedure for transferring bail to state revenue where the accused violates the conditions of the preventive measure.

It should be noted that in relation to persons for whom the court has imposed bail as a preventive measure, penal inspection authorities use audiovisual, electronic and other technical means of monitoring the suspect or accused. Such monitoring is carried out in accordance with Government Decree of the Russian Federation No. 134 of 18 February 2013 "On the procedure for the use of audiovisual, electronic and other technical means of control that may be used for the purpose of monitoring the location of a suspect or accused at the place of execution of a preventive measure in the form of house arrest, as well as compliance with prohibitions imposed by the court on a suspect or accused in respect of whom a preventive measure in the form of prohibition of certain actions, house arrest or bail has been selected", as well as Joint Order No. 189/603/87/371 of 31 August 2020 of the Ministry of Justice of the Russian Federation, the Ministry of Internal Affairs of Russia, the Investigative Committee of Russia and the Federal Security Service of Russia. This regulatory framework helps to establish control over persons in respect of whom the court has selected bail as a preventive measure.

Third, to improve the regulation of house arrest by: (1) clearly defining the procedure and methods for monitoring compliance with established prohibitions and restrictions; (2) ensuring adequate material and technical resources for penal inspections responsible for monitoring. In addition to legislative amendments, it is

necessary to improve law-enforcement practice in the following areas: ensuring genuine judicial review of the reasonableness of suspicions regarding a person's involvement in a crime when deciding on a preventive measure; requiring courts not to limit themselves to a formal reference to the existence of data on the person's involvement in the crime, but to verify whether the motion and attached materials contain specific information indicating the involvement of that particular person in the offense.

It is also necessary to strengthen the reasoning of judicial decisions on the selection of preventive measures. The ruling must indicate the specific factual circumstances on the basis of which the court concluded that there are grounds for the application of a preventive measure and that it is impossible to apply a milder measure. Wider use should be made of alternative preventive measures—bail, house arrest, prohibition of certain actions—both at the initiative of investigative bodies and on the court's own initiative. Practice shows that these measures may be sufficiently effective in ensuring the objectives of criminal proceedings while imposing significantly fewer restrictions on the rights of the accused. At the same time, the practice of using the choice of preventive measure as a means of pressure on the accused to obtain confessions must be excluded. Investigative bodies and courts must be guided exclusively by the requirements of the law and must not make the choice of preventive measure dependent on the accused's position in the case.

The main problems in the application of preventive measures in corruption cases are: excessive use of detention in custody despite the possibility of applying milder measures; insufficient use of alternative preventive measures (especially bail); a formal approach by courts to verifying the reasonableness of investigative bodies' motions; use of the choice of preventive measure as a means of pressure on the accused; and deficiencies in legislative regulation. Proposed directions for enhancement include the legislative definition of specific aspects governing the application of preventive measures in corruption-related cases, the modernization of bail and house arrest mechanisms, the establishment of genuine judicial oversight over the justification for such measures, and the wider implementation of alternative

preventive approaches. Realizing these improvements would help achieve a balance between the necessity of effectively combating corruption and the protection of the accused's constitutional rights an essential prerequisite for fair and lawful justice in a state governed by the rule of law.

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