

SUMMARY

PUBLIC LAW, JUDICIAL AUTHORITY, HUMAN AND CITIZEN RIGHTS PROVISION

Z r a z h e v s k a y a T. D., M a l t s e v V. A. The balance of interests and system of legal means in the sphere of security.

The article is devoted to the description of transformation the juridical principle of balance of interests into reality in the sphere of providing security. Founding on the analysis of constitutional regulations of foreign countries, authors of the article research the essence and structure of the legal regulation provided the balance of interests between the State, society and a person, reveal stages of its regulative influence. In the article are exposed the peculiarities of the legal means of balance of interests between the subjects of legal relationship in the sphere to be regarded; besides, in the article are put to analysis objects and «sets» of juridical regulators of the present legal means.

A n o k h i n V. S. Legal status of the judge: reality and perfection prospects.

The article is devoted to description of legal status of the judge. The author discusses about status of the judge and offers the basic directions of the legislative development regulating activity of judges.

G o n c h a r o v A. A. The guaranteed development of a citizens constitutional right on participation in jurisdiction and branch legislation.

This article is devoted to the problems pertaining to realization of the constitutional rights of citizens, participation in jurisdiction, and its solution. The author analyses the approaches to it's fastening in constitution of the foreign states, giving arguments to the definition of the open list of forms of it's realization, and also fastening of the right to judicial protection of constitutional rights. This procedure of it's realization is not yet certain by the statutory act.

S e r e d a M. Y. Co-operation of Russian Federation subject's and self-government bodies for the house-construction encouraging.

The article offers legal fixation of legal mechanism for the co-operation of state and self government bodies intended and supplying different categories of population with dwelling.

LEGAL THEORY

349

D e n i s e n k o V. V. Juridification of society and concepts of legal regulation

The article is dedicated to the problems of increasing amount and volume of positive law in modern social state. The research includes examination of different factors, which influence the extension of sphere of legal regulation, as well as analysis of different conceptions concerning the problem of efficacy of law in modern social state.

CIVIL LAW AND LEGAL PROCESS

Z g o n n i k o v A. P. Determination of fundamental concepts related to the insurance.

In the article probed different approaches, positions and points sight, concepts «insurance» related to determination. A concept «insurance» is examined from the

different points of view: economic, legal, technical et cetera. On the basis of comparison of different opinions, an attempt to specify the most substantial aspects of concept «insurances» is done. Taking into account absence of single position on a concept insurance the author comes to a conclusion that to achieve the research purpose — determination of concept «insurance» — it will be appropriate to use a concept which is given by legislator in a law.

М а н к о Е. А. Sings of the limited real rights.

In present article features of rights in rem (restricted enjoyment of property belonging to others) are discussed. Author delimits accurately the specified rights on the one hand, from the property right, and on another hand — from other subjective civil rights including those with obligation character. On the basis of the allocated features author formulates definition of the rights in rem.

М о к р о с о в а L. M. The construction of special process form intended for consideration of not crime categories of civil cases.

Given article covers the form of action of voluntary jurisdiction. The author suggests the special civil form of action conception, which is based on contrasting between civil form of action and action proceeding; analyses of the existing legislation and fixed in it procedural features of investigation of civil cases arising from public relations and special proceeding cases. On the basis of this the author offers the juridical construction consisting of the special norms and rules which describe the voluntary jurisdiction in whole. There is the concept and the content of the special civil form of action in the article.

К h o r u n z h y S. N. The Jural facts and court decision from the standpoint of subjective civil law defence and law safeguarding interest.

The present article takes up some aspects of subjective civil law comparing with conservative legal relationship; analyses the court decision role and importance in the structure of civil legal relationship; it makes an attempt to answer the question: if the right of legal defence is independent subjective civil law? The article emphasizes, that court decision isn't based on the transforming court authority, but on the person's subjective civil law compulsory realization; therefore the court decision doesn't gain in importance of some constituent element of civil (material) legal relationship, but remains as law enforcement act.

2008, №2

350

К а л м ы к о в а Е. А. Discretionary powers: limits and conditions of their realization by arbitration tribunal.

The article explains the idea of the discretionary powers of the arbitration tribunal. The rules of realization of the discretion are determined and used to examine the limits and conditions of the discretion. The theoretical base and practical importance of lawfulness and justice are shown as limits of the discretionary powers of the arbitration tribunal and conditions of realization of the legal authorities, their expediency, rationality and motivation.

К р и п а к о в а D. R. The remedial form of the summer residence of explanations the persons participating in business (theory-legal aspects).

The clause is devoted to the research of the problem of explanations of the persons participating in business in arbitration process. In the clause the basis of

the analysis of the Russian legislation, examples of judiciary practice, opinions of representatives of a science of a civil procedural right and an arbitration procedural right, importance of increase of value of explanations as personal proof on business is given reason. The undertaken substantiation of a subject, essence and value of explanations allow to speak about the author's concept in the actual research. As a result the conclusion about necessity of modification for hierarchy of means of proof is done by the Arbitration remedial code of the Russian Federation.

ADMINISTRATIVE AND INFORMATION LAW

Z a k h a r o v a O. S. Delictological basis of research in efficiency of norms of administrative and delict law.

The article studies delict bases of efficiency of norms about administrative offences. The concepts of administrative delict and administrative and delikt policy are given. Theoretical workings out are directed on a substantiation of the basic ways of development of administrative and delikt policy, development of recommendations to bodies and perfection of the legislation on administrative offences.

M a r t y n o v A. V. On the notion and basic characteristics of administrative supervision.

This article deals with the sensitive issues of administrative supervision. Controversial issues related to the notion and essence of administrative supervision are subject to investigation. The appropriate characteristics of administrative supervision are analysing and new features of this administrative institute are setting out. In this article an analysis is also carried out with respect to the issues of correlation of administrative supervision and other adjacent means of state management activities.

D e n i s o v a G. D. Civil law and administrative law aspects of the organization and legalization of the object of unwarranted constructions.

This article is dedicated to the legalization of the objects of unwarranted constructions, which is very actual for Russia nowadays. The article also deals with the regulation of the status of unwarranted constructions and their introduction into economic circulation. The constructions of administrative order of unwarranted constructions will allow to keep the constructions, to increase budget money entry as taxes and regulate legal relations of citizens and legal persons in the field of townbuilding.

Z a r y a e v a N. P. Administrative justice as a form of realization of judicial control.

This article deals with the sensitive issues of administrative legal proceedings. The appropriate characteristics of administrative legal proceedings are analyzed and new features of this administrative institute are set out.

Z y r j a n o v S. M. Current state and prospects of development of administrative supervision.

The significance of administrative surveillance at the public administrative mechanism, it's role in the executive branch and it's law-enforcement potential are features of legal activity, carrying out by empowered subjects. Therefore legal system requires special analysis to reach such potential. The results of this analysis being synthesized on theoretical positions would allow us to bring structure and content demands up to high level, institutionalize and originate monolithic

institution of administrative surveillance. Social effectiveness and prospects of administrative surveillance can be determined via cognition of it's constituents and perfection of it's legal basis and regulation.

K i s e l y o v a N. W. Perfection of the legislation of the Voronezh area about public service in connection with spent administrative reform.

The author carries out the research of basic directions of perfection of legislation of Voronezh area which is in given clause about public service. A mainstream of perfection of the legislation of region is the achievement of qualitative state service of the population. The conclusion about necessity of development of the quality standards of the state services used in all social spheres of living ability is done.

P r o s v i r n i n Y. G. Protection of the personal data.

The article is devoted to the actual subject — personal data protection in conditions of informatization. The questions of personal data concept not sufficiently worked out in periodical, stabilization of this institute in various branches of Russian right norms are considered. Proposals on current legislation improvement in this sphere are formulated in the article.

P o l i s h c h u k I. A. Legal regime of the export control in the Russian Federation.

The article is devoted to the research of the mechanism of legal regulation of export control issues. The author amplifies the historical aspect of the formation of an international export control system, analyses legislation of the Russian Federation in the field of export controls in view of it's latest modifications, reveals the methods of implementation of export control and concludes that was generated and functions in Russia the legal regime of export control.

B o c h a r n i k o v a N. A. Administrative mistakes influence the administrative practice.

This article reflects a problem that affects almost all citizens of our country — administrative mistakes in the administrative practice. According to it's definition in the text, the administrative practice correlates with the category of «the administrative mistake». Three main functions of the practice assume an analysis of mistake influence, which should promote further creation of necessary mechanisms for preventing and overcoming mistakes in the administrative practice and, as a consequence, for building positive legal climate in Russia.

FINANCIAL, BUDGET, BANKING AND TAX LAW

K a r a s y o v a M. V. The field of the budget law.

This article is devoted to the problem of the field of the budget law. The author discusses about the including in the field of budget law such issues as budget expenditures, state off-budget funds, state and municipal debt. Different points of view are represented in the article.

Y a k u s h e v A. O. A problem of external forms (law sources) in tax law.

In the present article a problem of formal sources of the tax law is analyzed with application to communicative theory of law. The author does a conclusion that legal precedents can and should be included in the structure of formal sources of the tax law of Russia.

L u n i n a N. A. Payment for negative ecological exposure as financial-legal measures of provision of environmental function in Russian Federation.

The article is dedicated to the analysis of legal regime of payment for negative ecological exposure and substantiation of its legal essence in present-day practice as a tax payment for more efficacious realization of environmental function in the Russian Federation.

K r a s y u k o v A. V. The obligation as an inter-branch category.

Article is devoted the analysis of concept «obligation» and allocation of its signs. On the basis of the allocated signs the comparative analysis of the obligation with property relations of other branches of the law (tax, labour, etc.) is made. On the basis of the conducted analysis the author does a conclusion about application possibility construction of obligations in tax relations.

**CRIMINAL LAW, CRIMINAL PROCEDURE,
CRIMINOLOGY AND OPERATIONAL-INVESTIGATIVE
ACTIVITY**

B a e v O. Ja., B a e v M. O. Protokol of a session of the court as a mirror of the carried out justice on criminal case (About necessity of perfection of item 259 of Criminal and processual code of the Russian Federation).

In article positions criminally — the remedial law, concerning conducting and manufacturing of the report of judicial session on criminal case are critically analyzed. Legislative offers a change in edition of item 259 operating of Criminal and processual code of the Russian Federation are proved and formulated.

A s t a f i e v Y. V. Human features of Operational-Investigative Activity.

The annotated work is devoted to the problems of the Operational-Investigative Activity (OIA). Moral requirements and ethical categories used in the aspect of the OIA are particularly considered.

Author expound the concept of «confidence» of the state and its citizens under implementation of the operational investigative methods by the state. In addition to that, the concept of «dignity» is analyzed and considered as an essential part of the moral prescriptions.

Psychological aspects of the operational search action, social and interpersonal conflicts, originating in the process of the OIA, and psychological requirements for the solution of such conflicts are emphasized in the work as well.

Author regards the OIA to be one the most important parts of the state activity within its protective power.

K a l i n i n I. B. Subsidiary application of norms of the criminally-executive right in regulation of work of the condemned.

The article analyses specifics of legislating labor of people court-ordered to public service or sentenced to other corrective works when the convict is banned from taking certain types of work, restricted to move within designated area, apprehended, ordered compulsory works or with restricted freedom under labor or criminal acts. It also considers financial brackets and norms for labor and criminal legislations, suggests ways of improving criminal due-process acts to protect social and labor rights of convicts.

P o b e d k i n A. V., N o v i k o v E. A. Some problem points of the processual authorities of the investigating agency Head.

In this article actual points of the processual authorities of the investigating agency Head as a new subject of the criminal legal proceedings were considered. Relations of the investigating agency Head with an investigator and a procurator are analyzed. Attention is accentuated on the law of criminal procedure improvement which is connected with processual authorities regulation of the investigating body Head.

G o r s k y V. V. General provisions of tactics of participation of the lawyer-representative in a court investigation.

In article substantive provisions of tactics of participation of the lawyer-representative of the victim in a court investigation are investigated. The author discusses the problems of preparation of the lawyer for the court investigation, researches the proofs, presentation of additional proofs, protection of the rights of the victim, lays out the corresponding tactical recommendations and legislative changes.

G o r s k y M. V. The legal mechanism for the expert's and specialist's incompetence determination in criminal procedure.

The article discusses the expert's and specialist's incompetence as a reason that bars them from participation in the criminal procedure. The author analyses the concept of incompetence and problems related to it's determination. The article supplies reveals elements of the legal mechanism for the expert's and specialist's incompetence determination and offers specific ways of its determination and pertinent legislative changes.

P r o k o p e n k o B. L. Criminological analysis of murder cases among the imprisoned.

The article considers the environmental factor as an element of criminological analysis of murder cases among convicts sentenced to imprisonment. The author suggests that the environmental factor analysis is highly significant for successful investigation of crimes committed in the specific conditions of a reformatory. The paper reveals such peculiarities of prison environment considered by the author, as regime, social environment of the convicts and functions of the staff.

2008, №2

354

T r o f i m o v a E. V. The proceeding by default on criminal cases: concept and perspectives of application.

The article is devoted to the problems of using of an institute of the proceeding by default on criminal cases in the absence of an accused in the Russian criminal justice. The author writes about the history of this institute, describing it's beginning and development. In her work the author grounds inferences, concerning estimation and efficiency of this institute in the Russian criminal justice. The author pays special attention to the examination of grounds and conditions of the proceeding by default on criminal cases.

S h a b a n o v P. N. Legal guarantees of the status of the judge as the precondition of his independence in criminal trial.

In presented article some problems of realization of due processes of law of independence of judges during their attraction to disciplinary, administrative and

the criminal liability are considered. Some questions, connected with institute of the irremovability of judges are analyzed. Also in article problems of a regulation of a term of appointment of the judge are studied.

INTERNATIONAL LAW

G a f a r o v S. E. Civil cases international jurisdiction in procedural law.

In this article the place of international jurisdiction rules is analyzed in respect to the Russian civil and arbitration procedural law structure. The analysis touches negative effects of using territorial jurisdiction rules for setting international jurisdiction.