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General theoretical aspects of information legal relations: legal risks, threats and prospects

Abstract

The content of information in legal relations is expanding due to the achievements of the scientific and technical process and the emergence of new ways of working with legal information. It was found that within the framework of the theory of state and law, it became necessary to formulate general provisions and laws that are applicable to all industries. The main categories of industry-wide character are: information, information security, information technology. The science theory of state and law is designed to develop approaches to understanding and interpreting general theoretical categories and their relationship (personal data and the right to privacy; the limits of using information about a person and citizen and the right to entrepreneurial activity, etc.). It is concluded that information legal relations are characterized by a high risk of negative legal consequences. A hypothesis is stated about the potential of information legal relations to change legal practice in all sectors in the future. One of such technologies has been investigated - blockchain, the legal status of which is not clearly defined. Legal information relations need to be analyzed at the doctrinal level, it is recommended to anticipate a new pool of problems and threats in advance in order to find universal ways to prevent them, suitable for all branches of law. The science "theory of state and law" has the potential to make forecasts for the development of state and legal phenomena, taking into account new technical realities.

Keywords

information legal relations, information, legal theory, social responsibility, information technology, blockchain, sources of law, prospects for the development of law

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Methodological problems of interconnection of strategic planning documents of the federal level, developed within the framework of the target on sectoral and territorial principles (part 2)

Abstract

The analysis of methodological problems of interrelation of the documents of strategic planning of the federal level, developed within the framework of goal-setting according to the sectoral and territorial principles, is directly linked to the issues of settlement. The article considers the norms of the corpus of federal regulatory legal acts adopted within the framework of goal-setting in the process of strategic planning of socio-economic development of territories, which includes the provisions of the norms of the Strategy of Socio-economic Development of the Russian Federation, Federal Law No. 172 "On Strategic Planning", the Urban Planning Code of the Russian Federation, the Resolutions of the Government of the Russian Federation related to the role of local self-government bodies in the implementation of the settlement policy as a factor of socio-economic development of territories. The specifics of the federal policy of territorial development of the regions, which is based on the participation of not only the federal center, but also the state bodies of the regional level of the vertical of power, are revealed. It is argued that the existing "vertical" of public administration does not include an imperative function in relation to the local authorities, which are not assigned the responsibility of developing strategies for the socio-economic development of the municipality. It is determined that, in methodological terms, such consequences should include the need to differentiate measures of state support for municipal territorial entities, regional typologization of settlements when considering budget and urban development policies. The problems related to the legal nature of the federal district in relation to the nature and powers in the field of strategic planning of the constituent entities of the Russian Federation are identified. It is argued that the factors influencing the processes of formation and implementation of the state policy of regional development and directly related to the issues of strategic planning include not only the features of the federal structure, geo-political, geo-deterministic, socio-cultural factors, but also a significant difference in the levels of regional socio-economic development and territorial population. The analysis of methodological problems of interrelation of the documents of strategic planning of the federal level, developed within the framework of goal-setting according to the sectoral and territorial principles, is directly linked to the issues of settlement. The article considers the norms of the corpus of federal regulatory legal acts adopted within the framework of goal-setting in the process of strategic planning of socio-economic development of territories, which includes the provisions of the norms of the Strategy of Socio-economic Development of the Russian Federation, Federal Law No. 172 "On Strategic Planning", the Urban Planning Code of the Russian Federation, the Resolutions of the Government of the Russian Federation related to the role of local self-government bodies in the implementation of the settlement policy as a factor of socio-economic development of territories. The specifics of the federal policy of territorial development of the regions, which is based on the participation of not only the federal center, but also the state bodies of the regional level of the vertical of power, are revealed. It is argued that the existing "vertical" of public administration does not include an imperative function in relation to the local authorities, which are not assigned the responsibility of developing strategies for the socio-economic development of the

municipality. It is determined that, in methodological terms, such consequences should include the need to differentiate measures of state support for municipal territorial entities, regional typologization of settlements when considering budget and urban development policies. The problems related to the legal nature of the federal district in relation to the nature and powers in the field of strategic planning of the constituent entities of the Russian Federation are identified. It is argued that the factors influencing the processes of formation and implementation of the state policy of regional development and directly related to the issues of strategic planning include not only the features of the federal structure, geo-political, geo-deterministic, socio-cultural factors, but also a significant difference in the levels of regional socio-economic development and territorial population.

Keywords

methodology, strategic planning, strategic planning documents, federal district, local government: goal setting, forecasting, planning, programming, territorial principle

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Judge's dissenting opinion of the Constitutional Court: characteristics of a legal institute

Abstract

The institute of judicial dissenting opinions in the different fields of procedure law was actively studied from 2005 to 2021 in Russia. At the same time, dissenting opinions are regulated sparsely and fragmentarily in law. A content analysis of scientific articles about dissenting opinions helped to form a relevant selection of articles about the institute of dissenting opinions. A semantic analysis of the articles showed that dissenting opinions was studying mostly in the constitutional judicial procedure. The institutional characteristics of dissenting opinions were not studied separately. It has been proved that a dissenting opinion in a constitutional court has institutional characteristics which settled in the theory of law. The regulation of this institute is a homogeneous nature, the rules are systematically arranged, interrelated, isolated in separate articles of the law. Thus, these conclusions will help to find gaps and defects in the current regulation of dissenting opinions in constitutional judicial procedure.

Keywords

institute of dissent, regulation of the right to dissent, institutional characteristics, content analysis, Semantic Analysis, manifest analysis, constitutional litigation

Vasilyeva Natalia Nikolaevna

Restoration of corporate control in the system of protection of civil rights

Abstract

The article discusses the innovation of legislation in the protection of the rights of participants in corporate legal entities. Special attention is paid to the issue of determining the place in the system of ways to protect civil rights for the restoration of corporate control, provided for by paragraph 3 of Art. 65.2 of the Civil Code. The conclusion is substantiated that the use of traditional methods of protection-oriented or obligatory legal relations, in relation to corporate relations is not always justified. It is proposed to understand the "share of participation" as a special object of civil rights, generating the effect of corporate control. The point of view is argued that the restoration of corporate control should be considered within the framework of the "restoration of the provision that existed before the offenses", as a universal and basic way to protect the civil rights listed in Art. 12 Civil Code of the Russian Federation.

Keywords

protection of civil rights, ways to protect civil rights, corporate legal entities, participant of the corporation, corporate control, share of participation

Markovsky Alexander Viktorovich

Legal problems of collection and payment of aliments in modern Russia

Abstract

The features and problems of alimony recovery in Russia are considered. Alimony is a legal institution that protects the rights of children and disabled family members. However, there are currently legal, social, economic and administrative problems with the recovery of alimony, which lead to an overall increase in the arrears of alimony payments. The analysis of the existing problems is carried out and proposals for their overcoming and resolution are formulated. For example, it is proposed to draw up a mandatory draft of alimony for the payment of alimony upon divorce, in the presence of minor children. Conclusions are also drawn about the ineffectiveness of measures related to the tightening of liability for non-payment of alimony.

Keywords

methodology, strategic planning, documents of strategic planning, federal level, goal-setting, forecasting, planning, programming, branch principle, territorial principle

Komkov Sergey Aleksandrovich

Statute of Limitations in Labor Law (Theory and Practice of Law Enforcement)

Abstract

The terms of applying to the commission on labor disputes and to the court for the resolution of individual labor disputes are analyzed and the legal nature of these terms as the statute of limitations is noted. The

conclusion is justified that it is unjustified to provide in the Labor Code of the Russian Federation an exhaustive list of valid reasons for missing the terms of treatment due to the variety of life situations. It is established that one of the valid reasons for the late filing of a claim against the employer may be the fear of the employee of the occurrence of negative consequences in the service. It is argued that while the employee is working, the legal relationship for unpaid wages is of a continuing nature, and does not fall under the term for applying to the court. The conclusion is made about the validity of the establishment of a special time limit for applying to the court in cases of compensation for non-pecuniary damage to an employee by the employer.

Keywords

alimony, alimony obligations, parental responsibilities, parental responsibility, CHILD support, non-payment of alimony

Filchakova Svetlana Yurievna
Business qualities in labor law

Abstract

Based on the analysis of the current legislation, the necessity of a legal definition of the concept of «business qualities» is substantiated. The point of view is argued that the state of health as a personal characteristic is not one of the constituent elements that determines, along with professional, qualification characteristics, the category of «business qualities». It is concluded that the definitions «labor function», «qualifications» and «professional standard» are interrelated concepts, defining in general the category of «business qualities».

Keywords

business qualities, labor function, qualifications, professional standard, discrimination

Długosz-Józwiak Joanna

Domestic violence committed by women in the family - or the family as an object of protection in the criminal law of Poland

Abstract

The article is devoted to the problems of understanding the legal issues of the family in the criminal law of Poland and in criminology. The paper analyzes the issues of the content of the definition of the family. It is necessary to refer to its legal definition. It is concluded that although the concept of family is repeatedly found in the Polish legal system, it is not uniform and has different content for certain areas of law. The article presents a scientific analysis of one of the categories of crimes against the family, i. e. the so-called domestic violence. There is no legal definition of the domestic violence in the Polish legal system, although it is assumed to be a social phenomenon that occurs when a family member or other person living together or managing a household deliberately tries to dominate another family member, physically or mentally. Thus it is possible to talk about domestic violence as a violence occurring among people living in the same household. Its subcategory is the so-called violence in family occurring in the family environment. The paper presents and analyzes examples of domestic violence and police statistics. Some of these behaviours can be classified as crime against the family. Thus it is possible to specify, that, on the one hand, the victims of domestic violence are more likely to be women and, on the other hand, that women are far less likely than men to be suspected of domestic violence. However presently every eighth victim of violence in family is a man. Within the framework of the presented article, it is proposed to turn attention to the problem of women as perpetrators of domestic violence, especially in relation to a man. It is necessary to emphasize that domestic violence perpetrated by women against men, including their husbands, is a growing phenomenon.

Keywords

criminal law of Poland, family, violence, domestic violence, crime of women

Makeeva Irina Sergeevna, Tokarev Denis Sergeevich

Subjective part of bribery mediation: establishment, content, signs

Abstract

The peculiarities of the legal assessment of the characteristics of the subjective side of the corpus delicti, providing for responsibility for mediation in bribery, are revealed. The authors, based on a comprehensive analysis of doctrinal opinions, emphasize the distinction between mediation in bribery with related and competing compositions.

Keywords

bribery, taking a bribe, giving a bribe, mediation, attempt to give a bribe

Malykhina Tatiana Anatolievna

To the question about the determination of corruption in the ATS of Russias

Abstract

The article highlights issues related to the identification and neutralization of the causes and conditions of such a negative social phenomenon as corruption in the police department. A deep criminological analysis of the factors determining corruption in the internal affairs bodies of Russia through the prism of the concept of socio-psychological causality is given. The author considers all the variety of conditions that give rise to the selfish motivation of corrupt police officers, as well as their professional deformation against the background

of existing contradictions in the social environment and deformations of moral consciousness and legal consciousness. Particular attention is paid to the personality of a criminal who commits corruption crimes in this area. The author analyzes the determinative relationship between economic, social, moral and psychological factors and the formation of the criminogenic orientation of the personality of a corrupt officer of the Internal Affairs Directorate. The moral and psychological properties of the personality of the police officer who committed corrupt behavior are considered as the main factor that determines it. At the same time, conditions are investigated that facilitate the implementation of the criminal intentions of the corrupt nature of the police officers, which in some cases also act as conditions conducive to the criminogenic orientation of their personality.

Keywords

corruption, corruption in the Russian Internal Affairs Department, the personality of a corrupt official, the determinants of crime, the causes and conditions of corruption, the prevention of corruption in the Russian Internal Affairs Directorate

Repetskaya Anna Leonidovna, Rybakova Anastasia Sergeevna

Victimological characteristics of modern hooliganism (based on the materials of the Siberian federal district)

Abstract

The article presents an analysis of the victimological aspects of hooliganism committed in the Siberian Federal District for the period from 2015-2020. Among the results of the study, there is a low level of victimization from hooliganism in the SFO, while the rate of decline in this level is higher than in the Russian Federation. The characteristic of the personality of the victim of hooliganism is given. It was revealed that a typical victim of hooliganism is a relatively young man who is not married, who is in a state of intoxication at the time of the crime. Its moral and psychological characteristics allow us to speak about such a dominant type of victimization as victimogenic deformation of the personality. Despite the fact that the vast majority of victims were not familiar with the criminal, every fourth had some kind of connection with him, the main share of which is friendly and neighborly. Among the types of contributing behavior in a situation of committing hooliganism, the imprudent behavior of the victim is distinguished, as a rule, giving a minor reason for the decision to commit a crime. The consequences of hooliganism for the victim are mainly associated with causing him moral harm, property harm was caused in every fifth case studied; physical harm is not widespread (6%). The main victimogenic factors determining victimization from hooliganism are analyzed.

Keywords

hooliganism, victim identity, victimization, Siberian federal district

Balko Vladimir Ivanovich

Classification of indicators of poor quality display of the plantar surface of bare feet of living persons

Abstract

12 indicators of poor quality of papillary prints of the plantar surface of bare feet were revealed during traditional fingerprinting of living persons. Indicators are classified and arranged in chronological order as the total quantitative indicator decreases when studying 700 special fingerprint cards over two periods of time. It was concluded that the bulk of the indicators of poor quality of the plantar surface prints is associated with such indicators as prints from wet and dirty soles of the feet, repainted and smeared prints. A specific indicator only for the sole of the feet - "smeared print of the upper part of the big toe" was identified. These indicators are divided according to three more indicators for poor quality of footprints. It has been established that the quality of footprints depends on the quality of the technique and technology used to obtain them and the appropriate control by a competent person. This makes it possible to optimize measures to improve the quality of a special fingerprint card for displaying papillary prints of the plantar surface of the bare feet of living persons for comparative studies, especially when it is impossible to identify a person by the fingers and palms of the hands, as well as in connection with the use of biometric plantar terminals in the near future. Theoretical and practical recommendations for taking prints of the papillary sole of the feet are given in the development of the author's previous works. This will affect the encoding of the image in the automatic fingerprint information system and its search characteristics, and most importantly, the final result for the prompt and objective identification of the person.

Keywords

classification of poor-quality sole prints, sole prints of living persons, display of the sole of the foot, technology for taking sole prints, fingerprinting

Karimov Vyacheslav Khamitovich

Prospects for the use of photos and video images fixed on electronic-digital media in disclosure and investigation of crimes

Abstract

The article under consideration reveals the existing problems of using digital media containing photo and video information. It is concluded that the traditional methods of forensic portrait examination are not always

applicable, since a significant part of the images are not suitable for research. Proposals have been developed to improve the use of photo and video images by creating specialized data banks: images of famous persons, images of unknown persons, their anthropometric and functional parameters. It is recommended to improve forensic techniques by studying the dynamic characteristics of a person, individual elements of his appearance. It is recommended to pay attention to the possibilities of anthropometric identification by the anatomical elements of the body, where the dimensions of individual parts of the body are taken as signs, and identification is carried out by their totality. It has been established that the dimensions can be set according to known objects in the frame and according to conventional units, where a separate element is taken as a parameter. It is recommended to actively use the existing experience in recreating the missing elements based on the technologies of subjective portraits. The need for analytical work in order to obtain additional forensic information displayed on the frames is indicated. The possibility of searching and identifying persons by their appearance on the Internet using specialized programs is indicated. It is recommended to pay attention to the digital component of the image, by which it is possible to determine the time and place of shooting, the camera model, the conditions in which the shooting was carried out, and obtaining other information. The conclusion is made about the possibility of conducting research of the situation in the framework of forensic-traceological examination.

Keywords

forensic portrait examination, photographic images, surveillance cameras, anthropometric registration, face recognition system, traceological examination, digital photography, information and telecommunication systems

Sysenko Alfya Radikovna, Sokolov Andrey Borisovich

Procedure for inspection of cash detected when detention of a face suspected

Abstract

The issues related to the procedure for inspecting the subject of a bribe - money are considered. The quantitative growth of corruption-related crimes, including bribe-taking, is stated. Cash remains a common bribe. It is concluded that, when investigating the receipt of a bribe, it is difficult to prove the fact of accepting a bribe. In this case, the peculiarities of the procedure for inspecting banknotes have a special role. On the basis of the analysis, the sequence of actions related to the inspection of the packaging of the subject of bribes and money was determined. Typical traces found during the examination are indicated (sweat marks of hands, traces of DNA, odor traces). The authors have proposed recommendations for the detection of these traces when examining funds. The emphasis is made on modern methods of detecting handprints. The possibilities of using the results of studies of traces by DNA analysis (by the method of genotyping) have been determined. It is concluded that when examining funds, it is advisable to use the methods and techniques recommended by forensic science that ensure the effectiveness of their further expert research.

Keywords

bribe taking, money, examination, specialist, handprints, DNA objects, DNA analysis

Shaevich Anton Aleksandrovich, Larin Evgeny Igorevich

Detecting lies and getting confessions on the example of service interview

Abstract

The article clarifies the concept of in-house interview as an interview of employees or job candidates, organized by the security service of a private company, identifies the types of in-house interview, clarifies the concept of confession. The two-stage model of inquest and some indicators of lying, which are used by the authors during the in-house interview, are described. The indicators correlating with lying in the course of service interview - the latent verbal aggression, lying strategies, presence of textual bridges and lacunas, separate elements of mimic and kinetic behavior are offered. The two-step model of Reed's inquest, known as "Reed's Nine Steps to Getting a Confession"; the approach of domestic psychologist L. B. Filonov, the authors' approach to organizing the process of getting a confession within a service interview are partially described. The psychological mechanisms that make it possible to obtain previously unknown information during in-house interviews, which can be used in any kind of interviews and interrogations, are considered.

Keywords

lie diagnostics, lie detection, detection of hidden information, confession taking, interrogation, in-service interview, Reed's tactics, textual bridges, locus of affect

Sharipova Aliya Rashitovna

Certificate immunity in criminal, civil, arbitration and administrative proceedings: a comparative analysis

Abstract

The author compares the normative consolidation of the institution of witness immunity in four procedural branches of law: criminal procedural, civil procedural, arbitration procedural and administrative procedural. The universal essence of this institution is determined for all types of legal proceedings under consideration and the need for a single regulation is assumed. The existence of a moral and ethical basis for exemption from witnessing is substantiated. The relationship is established between the development of this institution

and the development of the branch of procedural law as a whole, the influence of the institution on the legal consciousness of citizens. Comparative analysis of industry regulation reveals a number of differences that are unjustified by industry specifics. These include a different list of close persons who are subject to family-related witness immunity. The rationale is given for the expediency of expanding the circle of close persons with witness immunity due to quasi-family and quasi-kinship relations. The disadvantage of criminal procedural witness immunity is the absence among its carriers of arbitration assessors, representatives who provide legal assistance and do not have a lawyer status, Commissioners for the Rights of the Child and Commissioners for the Protection of Entrepreneurs, mediators and judicial conciliators. The author argues on the basis of comparison with other procedural branches of the need to supplement the list of holders of «official» witness immunity in criminal proceedings. The existence of norms governing relations related to exemption from witnessing is stated in sources other than procedural codes. The conclusion is made about the need for a large-scale comparison and generalization of legal information related to witness immunities in order to develop a uniform normative consolidation for all industries.

Keywords

criminal procedure, arbitration process, civil procedure, administrative process, judicial law, witness immunity, testimony

Kolobov Roman Yurievich, Ditsevich Yaroslava Borisovna

Acts of the international union for conservation of nature: potential for the protection of the ecosystem of the Baikal natural territory

Abstract

Within the framework of the project of building the concept of international legal protection of Lake Baikal, supported by the Russian Foundation for Basic Research, the analysis of acts and activities of the International Union for Conservation of Nature (hereinafter-IUCN; organization), promising for strength-World Heritage site "Lake Baikal". The documents developed in the IUCN system on climate change (the manual "Adaptation to Climate Change") are analyzed. Some of the conclusions of this document are extrapolated to the problems of protecting the Baikal ecosystem.

Keywords

International Union for Conservation of Nature and Natural Resources, Legal protection of Lake Baikal, conservation of ecosystems, sustainable development

Kolosov Aleksandr Viktorovich

Legal regulation of the turnover of biometric data of citizens in the European union

Abstract

Ensuring the security of a person and society is one of the priority and important areas of activity of any legal state. Measures aimed at countering crime and combating offenses in the information sphere are impossible without interaction and cooperation between states, since such violations are of a cross-border nature. The article examines the activities of the European law in terms of creating a biometric database - Common Identity Repository (CIR)) and a project related to limiting the use of artificial intelligence in areas that pose a threat to the protection of personal, biometric data of citizens of the European Union. It is concluded that the processing of biometric data is associated with high risks of violations of the rights of individuals, and work with this kind of information should meet a certain goal, have restrictions on the volume of processed data and on the duration of their storage for solving specific tasks.

Keywords

personal data, biometric data, General Data Protection Regulation, sensitive data, Common Identity Repository, artificial intelligence

Shornikov Dmitry Vladimirovich

Place of the ESPOO convention in the formation of the international legal mechanism for the protection of lake Baikal

Abstract

The article examines the key provisions of the 1991 Convention on Environmental Impact Assessment in a Transboundary Context, the so-called Espoo Convention, as well as the developing provisions of the Protocol on Strategic Environmental Assessment (Kiev Protocol) of 2003 in terms of preventing negative anthropogenic impact on the natural environment, bearing in mind, first of all, the development of the mechanism of international legal protection of Lake Baikal. In the article is briefly characterized the experience of a number of countries in the post-Soviet space in the implementation of the provisions of these international documents into national legislation. The experience and current position of the Russian Federation on the application of the provisions and mechanisms of the Espoo Convention and the Protocol on Strategic Environmental Assessment in national practice are analyzed. The conclusion is substantiated about the relevance and effectiveness of the use of mechanisms to prevent negative anthropogenic impact on the environment, enshrined in these international documents for the preservation of the unique ecosystem of the World Heritage Site - Lake Baikal.

Keywords

Espoo Convention, SEA Protocol, international legal protection, lake Baikal, Russian Federation