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Economic methods in the fight against child homelessness and neglect (1920s)

Batorova Tatyana Prokopyevna

Abstract

The article analyzes the state and tax policy aimed at eliminating homelessness and neglect in the early days of the formation of the Soviet state (1920s). The activities of government agencies aimed at solving the problem of homelessness and neglect have been studied and analyzed. It has been established that the state has carried out comprehensive work, including various forms of housing for street children, including tax policy. Regulatory acts establishing tax incentives aimed at stimulating the activities of enterprises that involve children from orphanages and trading enterprises that sell items made by orphanages have been studied. The peculiarities of the impact of tax benefits on improving the lives of street children are shown, and the activities of the Commission for Improving the Lives of Children are analyzed. The regulatory documents of the Buryat-Mongolian.

Keywords

homelessness, neglect, law, improving children's lives, government policy, tax policy, tax benefits, allowances

The formation and development of the justice of the peace in the Irkutsk province in the late XIX – early XX century: historical and legal aspect

Ignatenko Victor Vasilievich

Abstract

The article analyzes the features of the formation and development of world justice in the Irkutsk province in the context of Judicial reform in the regions of Siberia at the end of the XIX century. The legal basis for the formation of the Institute of World Justice in the Irkutsk province was the Law of May 13, 1896 on the introduction of Judicial statutes in the Siberian provinces and regions. The magistrates' courts formed on the basis of this Law successfully functioned in the Irkutsk province from 1897 to 1917. The legal status of justices of the peace in the Irkutsk province, as well as in Siberia as a whole, was based on the appointment, turnover and dependence of these judges. In addition to the judicial function, magistrates were assigned additional functions – investigative and notarial. The need for magistrates to perform non-judicial functions led to their large excess workload. Such a workload of magistrates in almost every district of the Irkutsk province had a negative impact on the quality of the administration of justice: procedural deadlines were often violated; law enforcement mistakes were made; the rights of defendants, victims and persons under investigation were violated. In this regard, an increase in the number of magistrates' precincts and a partial revision of their boundaries in order to more evenly burden magistrates was an urgent need. During the judicial reform in Siberia, it was decided to refuse to create a congress of magistrates as an appellate instance for magistrates' courts. This function was assigned in the Irkutsk province to the Irkutsk District Court, which led to an increase in its workload. Much attention is paid to the study of the main problems of the organization and functioning of magistrates' courts in the Irkutsk province in the late XIX – early XX centuries. According to the results of the study, the author attributed to such problems: insufficient financing of magistrates' courts; lack of qualified judicial personnel and their high turnover; poor living conditions of magistrates' courts in rural and other remote areas. However, in general, the author comes to the conclusion that the magistrates' courts in the Irkutsk province functioned much better than the pre-reform courts. They were closer and more accessible to the public and dealt with criminal and civil cases more quickly.

Keywords

Judicial reform of 1864, judicial reform in Siberia at the end of the XIX century, Justice of the Peace in Irkutsk province in the late XIX – early XX centuries

Communication, relationship and trust in law: an interdisciplinary view (part 1 “Relationship theory”)

Kostyunina Olga Vladyslavovna

Abstract

The necessity of studying the philosophical and psychological concept of the “theory of relations” for law and legal relations is substantiated. It is established that the general philosophical category of “relation” has its own significance for each socio-humanitarian science and is possible to reconstruct in legal science through the construction of relations in law – legal relations as a category of objective and subjective law. The significance of law as a social phenomenon and its inseparability from society and man is confirmed. It is found that knowledge of the laws of the “theory of relations” discovered in psychological science will productively affect the explanatory schemes of “legal relations” as a state-legal phenomenon, as well as the system of legal regulation as a whole. The article draws attention to the importance of the communicative theory of legal understanding for the development of the theory of legal relations. Theoretical assumptions about the epistemological status of trust in the system of relations through the concept of the “theory of relations” of V. N. Myasishchev are briefly formulated and proposed for discussion. It is stated that the formation of a theoretical and methodological explanation of trust as a legal phenomenon is necessary through the identification of its nature in legal regulation and the theory of legal relations.

Keywords

communication, attitude, social relations, relations in law, theory of relations, trust in law, communicative theory of legal understanding

On the issue of the legal status of the head of state of the Russian empire

Kuryshova Irina Vasilievna

Abstract

The article examines the evolution of the legal status of the Russian emperor in historical retrospect from the 18th to the beginning of the 20th centuries. In the context of the legal status of the head of the Russian state in the imperial period, the authoritative powers of the emperor are primarily considered, which often developed under the influence of governance traditions and were regulated by the norms of customary law. The legal consolidation of the powers of the head of state did not have a systematic character until the publication of the Basic State Laws of the Russian Empire in 1906. The powers of the monarch, who had special rights in the sphere of legislation, administration (military, church, financial), foreign policy and judicial power, are analyzed. The individual privileges of the emperor as the head of state and the Imperial House are characterized. The work touches upon such powers of the emperor as the right of mercy, abolition, and dispensation. Significant changes in the powers of the emperor are noted that occurred as a result of the adoption of the Basic State Laws of the Russian Empire on April 23, 1906, in particular in the legislative sphere and issues of the organization and activities of central government institutions. It is concluded that the monarch of the Russian Empire had a number of exclusive rights and privileges, and even after the emergence of legislative authorities in Russia (the creation of the State Duma and the reform of the State Council at the beginning of the twentieth century), he continued to occupy a dominant position.

Keywords

Head of state, emperor, monarch, Russian Empire, legal status, powers of the emperor, State Duma

Quota as an interdisciplinary institute of Russian law

Nefedova Evgeniya Valeryevna

Abstract

An attempt is made to consider the phenomenon of “quota” from the perspective of an intersectoral analysis, as a set of norms capable of regulating relations of both a public and private legal nature. Based on the existing doctrinal positions regarding the perception of quotas as a legal form of improving the legal status of an individual, the author hypothesizes the need for a formal legal definition of criteria on the basis of which guarantees and advantages are allocated due to the public law activities of individual subjects of public administration. Applying a variety of research methods, the author argues for the hypothesis of the existence of quotas also in private law relations. It is proved that the institution of a liquidation quota should be based not only on the need to regulate the procedure for the abolition of legal entities, but also on verified regulatory and technical and legal components, which will subsequently ensure a balance of general regulatory and protective legal effects, harmonization of public and private interests in society and the state.

Keywords

quota, branch of law, electoral quota, liquidation quota, legal advantage, guarantee, legal regulation

Topical issues of legislative regulation of the exercise of state powers by local self-government bodies

Ivanova Elena Leonidovna, Kachesova Tatiana Sergeevna

Abstract

It has been established that the regional legislation currently has not developed uniform approaches to consolidating the grounds for the seizure of transferred state powers from local governments, which leads to a large heterogeneity of law enforcement, including judicial, practice in the studied category of cases. Based on the analysis, recommendations for legislative improvement of this procedure were developed. The article proposes the unification of the grounds for the seizure of powers of state authorities from local authorities in federal legislation. It seems that it is precisely the unification of such grounds in the federal law governing the general rules for organizing local self-government that will be the most rational.

Keywords

transfer of state powers, local governments, withdrawal of powers

To the question of the concept of administrative jurisdictional process

Makushev Dmitry Ivanovich

Abstract

The main features and theories about structure of administrative jurisdiction, administrative justice and administrative-jurisdictional process are considered in the article. The author concludes that administrative-jurisdictional process is an extrajudicial activity internal and external orientation and proposes a definition of the concept of this legal phenomenon.

Keywords

administrative jurisdiction, administrative justice, administrative jurisdictional process

On the issue of the procedure for determining the amount of payment for the maintenance of the common property of an apartment building

Bezik Nina Vadimovna

Abstract

The legislation provides for the list and the composition of the common property of an apartment building, the minimum volume of work and services necessary to ensure its proper maintenance, the procedure for their provision and implementation, as well as the requirements that the results of the maintenance of the common property of an apartment building must meet. The reasons that gave rise to such detailed regulatory regulation of the above issues are analyzed, including the passivity of the owners, as well as their dependent approach to resolving issues of common property. The procedure for determining the amount of payment for the maintenance of common property is also studied, and the possibility of providing for a different procedure for paying for the maintenance of common property in an apartment building, based on compliance with the terms of the common property of the owners, is analyzed. The need for active behavior of owners to change the rules provided by law is indicated.

Keywords

common property of an apartment building; payment for the maintenance of common property; general meeting

Signs of antisocial bargains: theory and practice

Devitsky Eduard Ivanovich

Abstract

The contradictory court practice on prosecutors' claims shows that there is no unified approach to the qualification of bargains as antisocial. The article substantiates that such transactions may include any actions aimed at the emergence, modification or termination of civil rights and obligations that have signs of crimes. Transactions that violate other important mandatory norms that reflect the foundations of law and order or morality that are entrenched in the Russian public consciousness can also be considered antisocial. In the author's opinion, the legislator's refusal to legislate the list of antisocial transactions seems justified, since the courts draw conclusions about the antisocial nature of transactions as a result of analyzing many factual circumstances relevant to the case that cannot be established in any specific norm. The main reason for the problems is the lack of specific goals for the legislator when setting rules regarding antisocial transactions. According to the legislator, only transactions that do not violate the law, but are carried out for purposes contrary to the foundations of law and order and morality, should be considered antisocial. However, an analysis of judicial practice has demonstrated the inconsistency of such a campaign with reality.

Keywords

fundamentals of law and order and morality; antisocial bargains; counteraction to legalization, circumvention of the law, prosecutor

The concept and types of paradigms in labor law

Komkov Sergey Aleksandrovich

Abstract

It is noted that for the scientific analysis of labor law reality it seems necessary to use, along with other methods of cognition, the modeling method. It is indicated that the modeling method is closely related to the category of paradigm. It is noted that the paradigm of labor law can be understood as a scientific model

of legal cognition of social and labor relations and labor law norms. It is argued that the use of the modeling method allows us to formulate the existing patterns and features of the development of the content of norms and the architectonics of modern labor law in Russia. The opinion is reflected that failure to take into account the objective features of the development of social, including industrial, relations in the content of legal norms contributes to legal nihilism on the part of the same employers, and also entails various violations by employers in relation to the labor rights and interests of employees. An example of an outdated legal structure for determining the labor function of an employee is given. It is indicated that the content of the paradigm of labor law is closely related to its ideology. It is argued that the influence of ideology on the paradigm of labor law has undergone serious changes depending on the characteristics of the political regime that operated at a certain historical stage of the development of the Russian state. It is concluded that in modern Russian practice of applying labor law norms, the paradigm of administrativeism has not lost its significance. Thus, in many organizations, the optimal system of local regulatory legal acts either does not exist at all, or collective bargaining regulation is only formal. It is noted that the legislator, guided by purely opportunistic, subjective interests of employers, owners of the means of production, significantly limited the rights of employees and their representatives, primarily trade unions, in managing the organization and protecting the labor rights of workers. The conclusion is substantiated that the study of the technological paradigm of labor law will reveal not only subjective, but also objective grounds for improving labor legislation.

Keywords

labor law paradigm, technological paradigm of labor law, method of scientific modeling, ideology of labor law, paradigm of administrativeism, paradigm of labor contract, paradigm of single labor legal relationship, paradigm of labor-law partnership relations

The fresh law about straight mixed transportation service

Rovniy Valeriy Vladimirovich

Abstract

The article is dedicated to the main regulations of the fresh Federal Law about straight mixed transportation service, published in August last year, which will come into force on the 1st of September 2025 year. Common questions of straight mixed transportation service and peculiarities of it's right regulation on the contemporary stage are under examination. Two groups of questions – 1) the right basis of straight mixed transportation service's rise and realization; 2) responsibility in such transportations – are being comprehending. Within the frames of the articles 2 and 3 the fresh Law the factual composition as the right basis of straight mixed transportation service's rise and realization is being investigating; four juridical facts – a) agreement about organization of straight mixed transportation service; b) co-ordination the opportunity of straight mixed transportation service's realization; c) contract of the straight mixed transportation service; d) co-ordination the contract of straight mixed transportation service's fulfilment – are distinguished and scrutinized. Contradictions of some new Law's regulations to the Civil Code of Russian Federation's rules are brought to light. Within the frames of the articles 4 and 5 the fresh Law the following questions: a) responsibility of the carrier who concluded the straight mixed transportation service's contract (including several variants of it's realization depending on this or that juridically signified circumstances); b) responsibility of the other straight mixed transportation service's participants; c) a few questions connected with the participant's responsibility of the agreement about organization of straight mixed transportation service and the participant's responsibility of the contract of the straight mixed transportation service (civil liability insurance, bringing of a suits' peculiarities, prescription of claims) – are being analysing.

Keywords

straight mixed transportation service, right basis of straight mixed transportation service's rise and realization, agreement about organization of straight mixed transportation service, contract of the straight mixed transportation service, responsibility in straight mixed transportation service

Slave trade as a variety of criminal market for goods and services in the modern world

Balugyan Anagid Semyonovna

Abstract

The article examines the features of criminal activity involving the use of slave labor, which is one of the criminal markets of the shadow economy, which has the following features: selfish nature, organization, transnationality, latency, corruption, close interaction and interdependence with other criminal markets (sex services, illegal migration, illegal transplantology, etc.). Based on the analysis, a definition of the criminal market for the use of slave labor has been formulated, which is understood as a socially dangerous phenomenon, part of the shadow economy that generates supply and demand in the labor market, and carried out through organized criminal activity, acquiring a transnational character, with the goal of extracting criminal proceeds in especially large in size, characterized by latency, corruption potential, interaction with illegal migration, the sex industry, illegal transplantology and terrorist organizations.

Keywords

criminal markets, the use of slave labor, begging, human trafficking, prostitution, the sex industry, the right to freedom and security of person

Regulamentation criminal liability for bribe extortion in the legislation of foreign countries

Lazitsky Prokhor Antonovich

Abstract

The article is a comprehensive and in-depth analysis of criminal liability for extortion of bribes in the legislative systems of foreign countries. Various legal approaches to the qualification of extortion of bribes as an independent crime are considered, as well as examples of judicial practice on which these approaches are based. The study covers the legal systems of the United Kingdom, the United States, Germany, France, and other countries. The article describes the features of the crime of extortion of bribes in key articles of the criminal codes and criminal laws of individual states, as well as the impact of international agreements on national laws. Special attention is paid to the law enforcement practices of law enforcement agencies in various countries in the fight against extortion of bribes. It is emphasized that continuous improvement of legislation and judicial practice can increase the effectiveness of countering extortion of bribes and significantly reduce the level of corruption in the state apparatus.

Keywords

Bribe extortion, corruption, criminal law, international standards, legal system, anti-corruption measures, justice, law enforcement

The corpus delicti of the offence from the standpoint of normativism: a critical view

Solovyova Elena Aleksandrovna

Abstract

The category of “corpus delicti” from the position of normativism is considered. It is pointed out that within the framework of this doctrine law is recognised as an independent matter, and therefore the corpus delicti, as a fundamental category of criminal law, is closely related to the criminal law norm. Within the normativist approach four understandings of the corpus delicti are distinguished: 1) the totality of features; 2) the system of features; 3) the legislator’s notion of a certain type of crime; 4) the legislator’s tool. Content analysis of

the definitions of the corpus delicti allowed to identify the advantages and disadvantages of understanding this category from the standpoint of normativism. It is concluded that with all the positive aspects of the normativist approach, there are also significant shortcomings: 1) the corpus delicti, identified with the criminal-legal norm, can not act as a basis for criminal responsibility, since only really existing phenomena in the form of the actual can be criminally punishable; 2) it is impossible to raise the question of guilt, if the corpus delicti is in the legislative matter; 3) the essence of the offence remains unimportant, because the priority is given to the formal act with the signs specified in the law; 4) the corpus delicti is not the basis for criminal liability.

Keywords

corpus delicti, normativism, tool of the legislator, system of signs, totality of signs, criminal-legal norm

The identity of a juvenile delinquent in postmodern criminology

Suturin Mikhail Alexandrovich

Abstract

The article discusses controversial issues related to the understanding of the category of “criminal personality” in classical criminology and “postmodern” criminology (neocriminology). Special attention is paid to the assessment of the personality of a juvenile offender, its features and patterns of formation. Having considered the traditional basic criteria of criminological analysis of the personality of a minor who has committed a crime, the conclusion is presented that his “average portrait” has not undergone any major changes for many years.

Keywords

neocriminology, postmodernity, juvenile delinquency, criminal policy

The procedural order of the organization inter-state investigation teams: the theoretical concept of the mechanism

Lubyagin Mikhail Sergeevich

Abstract

The issue of a new form of international cooperation in the field of criminal proceedings and criminal prosecution is being considered – the preliminary investigation by interstate investigative groups. Attention is focused on the importance of integration mechanisms in the law enforcement activities of pre-trial criminal proceedings, which are based on the practical experience of regulatory regulation in foreign countries on the issue of command investigation of crimes, including at the international level. At the same time, it is noted that achieving the development of the national law enforcement system of the Russian Federation at an effective level involves strengthening international channels of interaction between justice and criminal prosecution authorities in the international legal field, the security of which is currently being violated by criminal offenses. In addition, we are talking about the expediency of implementing a joint international investigation of crimes in the form of the activities of interstate investigative groups of Russian and foreign preliminary investigation bodies, primarily with those foreign states with which the Russian Federation has concluded bilateral treaties on legal assistance in criminal matters; the grounds are described as a result of which inter-State investigation teams can be created. Based on the results of the study, a theoretical concept of the mechanism for organizing interstate investigative groups is proposed, which assumes regulation of the activities of their members at the process level, as well as describing the grounds for creating groups in the provisions of acts of international treaties of the Russian Federation concluded with friendly countries.

Keywords

investigative group, interstate investigative group, procedural order, criminal proceedings, criminal procedure legislation

On the problem of implementing the principle of judicial independence

Malykhina Tatiana Anatolievna

Abstract

The article analyzes the principle of judicial independence as one of the fundamental constitutionally enshrined principles of Russian justice. The article also discusses issues of ensuring the independence of judges from interference or pressure from the executive and legislative authorities, the public or private interests. The legislatively fixed guarantees of judges are analyzed through the principle of their independence. The theoretical and practical significance of this principle in ensuring justice and protecting the rights of citizens is investigated. Some problems related to the implementation of this principle of the administration of justice are highlighted.

Keywords

court, independence of judges, the principle of independence of judges, social guarantees of judges, administration of justice, judicial activity, judicial system

Practice of using the results of operational and investigative activity in pre-trial proceedings (forced seizure of samples for comparative study)

Shemchuk Sofia Yurievna

Abstract

The mechanism of obtaining samples for comparative research through the production of operational investigative measures in cases of refusal to voluntarily provide them is considered. The procedural guarantees of the observance of the rights and freedoms of participants in criminal proceedings are listed, complaints of violation of which are most often found in the materials of judicial practice. Based on the arguments presented in this study, it is concluded that it is possible to obtain these samples as a result of operational investigative activities in the framework of the execution of the investigator’s instructions, and also describes the way to legalize them in the criminal procedure field.

Keywords

operational-search activity, obtaining samples, investigator’s assignment, criminal procedure