

ABSTRACTS AND KEYWORDS
Monitoring of Law Enforcement Journal, Issue 3-2014

*Viktor V. Astanin, Grand Ph.D. in Law,
Professor, Moscow
E-mail: astaninvv@rambler.ru*

**HISTORIOGRAPHY OF A.YA.SUKHAREV'S WORKS: FROM LEGAL
AWARENESS PROPAGANDA TO ENSURING INTERNATIONAL
LEGALITY**

Abstract: In this paper, the main milestones of the legal science career of an outstanding lawyer of our time, A.Ya.Sukharev, are set forth. An analysis of bibliographic heritage of this Soviet and Russian legal science patriarch spans more than fifty years (from the beginning of the 1960's to these days). In his historiographical research, the author presented those works of A.Ya.Sukharev that are most topical for today's development of domestic legal science and practice, works devoted to issues of overcoming problems of defence attorneys, organisation of raising legal awareness of the population, ensuring international legality. Rarely cited programme documents relating to the time of Soviet development of the justice institutions system are analysed in the paper.

Keywords: legal propaganda, defence attorneys, international legality, Soviet justice, legal literacy.

*Vladislav B. Yastrebov, Grand Ph.D. in Law, Professor, Moscow
E-mail: 18031937@rambler.ru*

**PROMPT MONITORING OF THE EXECUTION OF JUDGMENTS OF THE
CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION (LEGAL
AND ORGANISATIONAL ASPECTS)**

Abstract: The results of monitoring the execution of judgments of the Constitutional Court of the Russian Federation passed over the period from 2013 to the first quarter of 2014 are considered, trends characterising the state of practical execution of acts issued by the judicial agency for constitutional control are analysed, and recommendations on improving the legal and organisational framework for monitoring the execution of judgments of the Constitutional Court are given.

Keywords: constitutional legality, law-making and law enforcement activities, rulings of the Constitutional Court of the Russian Federation, monitoring, source of law, the Ministry of Justice of Russia, public prosecution service.

*Pavel A. Kabanov, Grand Ph.D. in Law, Professor, Kazan
E-mail: kabanovp@mail.ru*

CRIMINOLOGICAL MONITORING OF THE CORRUPTION OFFENDER'S PERSONALITY (USING MATERIALS FROM THE REPUBLIC OF BELARUS)

Abstract: The subject of this monitoring research is statistical data describing the personality of today's corruption offender in the Republic of Belarus. The purpose of the research is to conduct monitoring measurements of the most important personality characteristics of the corruption offender in the Republic of Belarus based on statistical data. Methodology is a dialectical method of cognition comprising methods of system and structural analysis, comparison, statistical observation, and others. The results of the research are as follows: for the first time in criminology, the main social and demographic, legal, and other personality characteristics of the corruption offender in the Republic of Belarus have been described, which undoubtedly can stimulate research on corruption criminality in the Republic of Belarus conducted by experts of that country and working out measures to contain it more efficiently at a socially tolerable level. The obtained results can also be used for training, in implementing anti-corruption training programmes of higher and continuing professional education.

Keywords: corruption, monitoring, corruption offender, offender's personality, monitoring of the corruption offender's personality, the Republic of Belarus, corruption offender's personality.

*Olga A. Evlanova, Ph.D. in Law, Moscow
E-mail: olga_evlanova@mail.ru*

*Georgiy F. Koimshidi, Ph.D. in Technology, Moscow
E-mail: koim@mail.ru*

CRIMINOLOGICAL PROBLEMS OF CRIME PREVENTION: SELECTED RESEARCH RESULTS

Abstract: The paper analyses criminologically significant aspects of crime prevention at the present stage of development of the Russian society. Attention is drawn to the negative factors that objectively reduce the efficiency of prevention work being conducted. It is noted that administrative supervision over the compliance of persons released from prison with temporary restrictions imposed by the court is inefficient, which is evidenced by an increase in recidivism. An argument is put forth and substantiated that the role of "double prevention" in the serious crime prevention system is exaggerated.

Keywords: crime prevention, preventing certain types of crimes, double prevention, criminal burden on the population, crime detection rate.

*Zoryana V. Kameneva, Ph.D. in Law,
Associate Professor, Moscow
E-mail: kafedra38@yandex.ru*

PREFERENTIAL RIGHTS IN INHERITANCE LAW

Abstract: The paper is devoted to studying the notion of preferential (pre-emption) right and its different kinds. Preferential rights of inheritance should be understood as the possibilities for the heir to acquire, on special grounds and conditions, the right of ownership over certain kinds of property being part of the heritage. Kinds of preferential rights are determined by the heir's legal status, circumstances characterising it, and legal regime of the heritage. The conditions for enjoying preferential rights of inheritance are understood by us as special circumstances under which it is possible to exercise these rights, i. e. to acquire the heritage. The following circumstances characterising the legal regime of the heritage and the legal status of the heir should be classed as such conditions: indivisibility of the item being part of the heritage and joint ownership of it; constant use; usual household items and the heir living together with the testator; an enterprise being part of the heritage and the heir's business activities; a farm being part of the heritage

and the heir's participation in it, and others. It is to be supposed that the establishment of preferential rights of inheritance is caused by objective necessity and is an efficient measure for exercising rights of inheritance.

Keywords: preferential rights, heir, heir's legal status, legal regime of the heritage, conditions for enjoying rights of inheritance, kinds of preferential rights of inheritance, indivisible item, joint ownership, constant use, individual entrepreneur.

*Aleksandr A. Kartskhiya, Ph.D. in Law,
Professor, Moscow
E-mail: arhz50@mail.ru*

INTELLECTUAL PROPERTY AND INNOVATIVE EVOLUTION

Abstract: The economic crisis of the early 21 century has brought to life a new wave of innovation. Unified "legal space" doctrine for legal regulation in the intellectual property sphere largely determines the efficiency of the innovation evolution process. According to the author, the fundamental conceptual approach is that the cornerstone or starting point for the concept of development should be the provisions of the Civil Code of the Russian Federation on rights to the results of intellectual activity and means of individualisation, which should be the foundation for the whole legal framework on intellectual property and appropriate law enforcement practice. The provisions of the Civil Code of the Russian Federation that define the legal nature and legal regime of material legal relationships in the intellectual property sphere are the basis for applying the civil law relationships model in complex material relationships arising in the intellectual property sphere.

Keywords: intellectual property, industrial property, intellectual property rights, patent, abuse of right, retorsions.

*Elena B. Kozlova, Ph.D. in Law, Associate Professor, Moscow
E-mail: kozlova@urexpert.ru*

NOVELTIES IN URBAN PLANNING LAWS IN THE LIGHT OF THE REFORM OF THE INSTITUTION OF INVALIDITY OF TRANSACTIONS

Abstract: The paper considers problems of invalidity of new civil contracts arising due to amendments to the laws regulating urban planning, in the light of the recent reform of the reform of the institution of invalidity of

transactions. In particular, issues of invalidity of these contracts related to changes made to Article 168 of the Civil Code of the Russian Federation, as well as to the fact that the presumption of nullity of invalid transactions on the grounds of their contravening the law or any other legal act was replaced by the presumption of voidability are examined. Issues of presence of public interest in relevant contractual relations and problems arising in this connection that are related to the invalidity of these agreements are considered. A general conclusion is made concerning the topicalisation of the theory of interest in the division of law into public and private, under today's conditions, the necessity of studying of private and public principles in contract law, as well as the need for the legal definition of public interest to be laid down in law.

Keywords: contracts mediating the development of territories, public interest in contractual relationships, invalidity of transactions, contract voidability, contract nullity.

*Elizaveta V. Demidova-Petrova, Ph.D. in Law,
Associate Professor, Kazan
E-mail: demidova.liza@gmail.com*

THE NOTION, ESSENCE, AND SUBSTANCE OF SOCIALISATION OF MINORS

Abstract: The paper describes the process of personality formation under certain social conditions, in certain social groups, as well as acquiring life experience, values, norms, and rules of conduct. The social environment of the person is considered. The main stages as well as kinds of personality socialisation are presented. The author offers her own definitions of the social environment of the personality, as well as of the socialisation of the minor. In the author's opinion, the social environment of the personality should be understood as not only the micro- and macroenvironment but also the economic, political, spiritual, moral situation as well as historically conditioned traditions existing in a certain territory and over a certain time span. The said factors exert their dominating influence on the formation, namely socialisation of the personality of an individual, only being taken together. The socialisation of the minor, in turn, can be understood in the objective as well subjective aspect. The author understands the socialisation of the minor in the objective sense as stages of formation of the personality of an individual, his/her interaction with the micro- and macroenvironment in a certain territory and over a certain time span; the socialisation of the minor in the subjective sense means the perception of the surrounding reality by the

personality and his/her attitude towards this reality and the system of factors that influence his/her formation.

Keywords: social environment, minor, family, personality, socialisation, youth groups, age, social development.

*Aleksandr A. Petrov, Ph.D. in Law,
Associate Professor, Krasnoyarsk
E-mail: Sfu-pravo@yandex.ru*

*Marina V. Kokhan, Zheleznogorsk, Krasnoyarsk Krai
E-mail: marina.kokhan2013@yandex.ru*

ON THE ISSUE OF NOTION AND STRUCTURE OF TEXTUAL MODIFICATIONS OF NORMATIVE LEGAL ACTS

Abstract: The paper is devoted to certain topical issues of defining the notion of textual modification of normative legal acts. More precise definitions of the scope and substance of the notion of textual modification of normative legal acts are proposed, based on a critical analysis of the Methodological Recommendations Concerning the Juridical-Technique Execution of Draft Laws forwarded by Letter vn2-18/490 of the 18th of November 2003 of the Apparatus of the State Duma. The structure of the most significant kinds of textual modifications is modelled.

Keywords: normative legal act, law-making technique, law-making technology, technology, modifications of normative legal acts, textual modifications of normative legal acts.

*Yuliya A. Komzolova, Moscow
E-mail: komzolova1994@mail.ru*

THE LEGAL FICTION OF A NATURAL PERSON IN RUSSIAN LEGAL SCIENCE

Abstract: The paper is devoted to determining the legal nature of a "natural person". The author has posed a problem: to prove the unfoundedness of the idea that the notions of "natural person" and "man" as a biological creature are one and the same. A comparative analysis of the said notions is made in the course of which it is being proved that these notions are not identical. In examining this topic, the author turns to numerous normative legal acts and

scientific literature with a view to study this problem in depth. Different standpoints of scholars on debatable law enforcement issues are presented. The author, matching up the characteristics of legal fiction with those of a "natural person", contends that a "natural person" is a legal fiction by its legal nature. The results of the study are proposals on reforming the laws with a purpose of resolving conflicts of law.

Keywords: man, subject of law, natural person, juridical person, legal nature, legal personhood, legal capacity, fiction.