

## **ABSTRACTS AND KEYWORDS**

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#### **REGIONAL LAWS AND SOCIAL CONFLICTS**

**Abstract.** An analysis of the environmental law of a subject of the Russian Federation, its matching with the national laws and bylaws of the executive branch of government are given in the paper. Based on mass and expert surveys, the real situation concerning protest attitudes of the population due to possible industrial use of the Tratau shikhan (hill) natural monument in the Republic of Bashkortostan is identified. The obvious contradiction between the Decision of the Government of the Republic of Bashkortostan on granting the legal status of natural monument to shikhans and the economic need for their industrial use has justified the question whether the current natural monument status of the Tratau shikhan (hill) is sufficient.

**Keywords:** regional laws, Republic of Bashkortostan, natural monument, Tratau shikhan (hill), legal status, social conflict, social responsibility.

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#### **CONSOLIDATION OF LAW-MAKING AND LAW ENFORCEMENT PROCESSES WITHIN THE RUSSIAN LEGAL SYSTEM**

**Abstract.** The problem of raising the efficiency of legal regulation which is connected to improving the Russian legal system is analysed in the paper. In the author's opinion, under the new conditions and considering the imperatives of our time, it is important that conditions for solving the said problem be created, one of which is ensuring a consolidated development of law-making and law enforcement processes as an essential condition for raising the efficiency of implementing legal norms, development of the domestic legal system, and a factor of reinforcement of the country's legal space. The proposition that law enforcement practice cannot develop efficiently if it does not correlate with law-making practice, is argued for. The

author justifies the need for a consolidated development of law-making and law enforcement in accordance with general value attitudes which is one of the main conditions for raising the efficiency of legal regulation. The interdependence between the legal system and legal policy in solving the task of improving legal regulation is emphasised. Also considered is the proposition that a deterioration of legal regulation leads to disintegration processes in the domestic legal system and to failures in the coordination of legal phenomena which become inefficient in social life. In such a situation it is difficult to ensure an efficient protection of human rights and freedoms and to develop legal life.

**Keywords:** consolidation, law-making, law enforcement, monitoring, legal system, legal policy, human rights, legal framework, legal regulation.

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### **MAJOR LINES OF IMPLEMENTING THE INSTITUTION OF CIRCUMSTANCES EXCLUDING THE CRIMINALITY OF AN ACT**

**Abstract.** The implementation of legal norms forms the contents and basis for their operation. This fully pertains to criminal law on the whole and to the institution of circumstances excluding the criminality of an act in particular. The topicality of considering the implementation of criminal law as a manifestation of its operation is emphasised by the specific features of this branch of law. It is exactly the operation of the said institution – which implies giving a criminal law evaluation of the act but does not entail a punishment – that constitutes an indication of the versatility and ambiguity of the implementation of criminal law. It is a form of this implementation that manifests itself in the acts of subjects executing a binding legal prescription. A characteristic feature of this form is an active behaviour of the subjects: they perform acts prescribed by legal norms, that is, they execute the duties of active behaviour assigned to them.

**Keywords:** criminality of act, circumstance, punishment, regulation, criminal law, danger.

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## **CONSTITUTIONAL LAW FOUNDATIONS FOR THE OPERATION OF GOVERNMENT AGENCIES IN THE SYSTEM ENSURING THE NATIONAL SECURITY OF THE UNITED KINGDOM**

**Abstract.** The United Kingdom, officially called "The United Kingdom of Great Britain and Northern Ireland", is a compound unitary state which comprises four historical regions: England, Wales, Scotland and Northern Ireland. The peculiarities of historical development are that the inhabitants of England and Wales and those who live in Scotland and Northern Ireland belong to different ethnic groups and religious confessions, which determines separatist attitudes among a certain part of the population of Scotland and especially Northern Ireland.

In the United Kingdom, as in other leading countries, due to the progressive development of globalisation and integration processes the results of implementation of the domestic and foreign policy influence all aspects of life of the society and the state. Therefore, the constitutional law mechanism of policy is an integral part of the structure of the mechanism of government in all modern countries, including the United Kingdom.

**Keywords:** legal foundations, federal laws, security police, legal precedent, constitutional conventions, doctrinal sources, intelligence, legal tools, legal regulation.

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## **MEANS FOR COUNTERACTING CORRUPTION IN THE SOCIAL SPHERE**

**Abstract.** Problems of legal and organisational nature related to the improvement in the implementation of legal means of counteracting corruption in the social sphere are the subject of this paper. In the paper it is noted that it is the corruption in the social sphere that causes special concern because here it encroaches upon the social relations that protect the foundations of social life in society, in particular, upon the protection of citizens, including those who are in hardship, children, disabled persons, health care. The authors justify the need to intensify combating corruption in the social sphere by all means of legal nature. It is proposed to add the following qualifying element, "the same act committed in the social sphere", to components of corruption offences which will promote combating

corruption in the said field more efficiently and reinforce the preventive function of laws on combating corruption.

**Keywords:** means, punishment, practice, social sphere, offence, court, corruption, harm, counteraction, responsibility, bribe, bribe-taker, bribe-giver.

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### **ON THE QUESTION OF QUALIFICATION OF ENGAGING A MINOR IN COMMITTING AN OFFENCE**

**Abstract.** The paper presents the results of the analysis of problems arising in prosecution of persons found guilty under Article 150 of the Criminal Code of the Russian Federation. Issues of qualification of acts committed by these persons are considered. Special attention is paid to subjective elements of offence, the motive of offence in particular. It is noted that the motive is a mandatory element for qualifying an offence under Part 4 of Article 150 of the Criminal Code of the Russian Federation. It is important to establish the consciousness of engaging a person under the age of majority in committing an offence. In studying problems of qualifying offences under Article 150 of the Criminal Code of the Russian Federation examples of court practice are presented. The author makes a conclusion about the need for the unity of the court and investigative practice and its mandatory use by the court when passing decisions under Article 150 of the Criminal Code of the Russian Federation.

**Keywords:** criminal penalty, adult person, age characteristics, intent, person aged eighteen years, anti-social acts, person engaged in committing an offence, age awareness, facts of offence, deceit, criminal acts, investigation.

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## **ISSUES OF LEGAL REGULATION OF THE PLAN OF ACTION OF THE HEAD OF A COUNTER-TERRORIST OPERATION**

**Abstract.** The paper analyses particularities of applying legal provisions concerning the circumstances excluding the criminality of an act in cases where heads of counter-terrorist and other operations, military personnel and law enforcement officers are forced to prejudice interests protected by law in order to eliminate a danger threatening to inflict a greater harm. The legal opinions of the European Court of Human Rights which significantly influence law enforcement activities in criminal cases are examined. Conclusions are made on the lawfulness of actions directed at partially fulfilling the terrorists' requirements of unlawful nature under the legal regime of a counter-terrorist operation. Some proposals for the optimisation of the normative legal framework in this sphere of law enforcement activities are put forward.

**Keywords:** circumstances excluding the criminality of an act, inflicting harm, extreme necessity, hostage taking, conducting negotiations with terrorists.

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## **GOVERNMENT SUPPORT FOR A NON-GOVERNMENTAL FREE LEGAL AID SYSTEM**

**Abstract.** The author describes the legal foundations for the interaction of a non-governmental free legal aid system with public authorities and local self-government bodies. Arguments are presented about the right of the participants of the non-governmental free legal aid system to benefits and support on the part of public authorities and local self-government bodies. Arguments are presented about the need to support socially oriented non-governmental organisations as well as law school clinics of higher education institutions. A comparative study of the number of non-governmental free legal aid centres and cases of free legal aid provided by them as well as of the number of law school clinics of higher education institutions and cases of legal aid provided by them per federal districts is carried out.

**Keywords:** non-governmental free legal aid system, education institutions, law school clinics, non-governmental free legal aid centres, benefits and support for socially oriented non-governmental organisations.

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## **ESSAY OF ANALYSIS OF THE CRIME SITUATION IN THE SPHERE OF CONSERVATION AND USE OF ANIMAL WILDLIFE**

**Abstract.** Data on criminal offences against the animal wildlife and its habitat over 2000-2014 are analysed in the paper. An attempt is made to point up the factors influencing the crime dynamics in this sphere. Among such factors are social and economic conditions, shortcomings of the legal framework, and special features of law enforcers' work.

**Keywords:** environmental offences, animal wildlife, illegal hunting, international criminal networks.

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## **THE LEGAL FRAMEWORK FOR MENTAL HEALTH PROTECTION IN THE UNITED KINGDOM**

**Abstract.** This paper analyses the organisational, financial and legal instruments used for mental health protection in the United Kingdom which is one of the leaders in this sphere among European countries. The economic and social consequences of problems existing in this field are considered. A high level of interaction and co-operation between public and private structures engaged in solving these problems is noted. The author examines the structure of administration and financing of the sphere of mental health protection as well as the basic legal acts regulating it. It is noted that, despite significant amounts of funding allocated, it would be advisable to draw additional resources into appropriate research. Trends in the numbers of hospital beds and hospitals treating mental disorders as well as that of the persons who applied for mental health services are considered. In addition to that, the process of reforming the mental health protection system, including the deinstitutionalisation and transition to community care, is also examined. The author notes the possibility of using the British experience in the field of mental health protection in Russia.

**Keywords:** United Kingdom, mental health, mental disorder, strategy for the health and well-being of working age people, financing of healthcare, National Health Service, Mental Health Act, hospital beds, deinstitutionalisation, community care, European Pact for Mental Health and Well-being.

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### **IMPROVEMENT OF RENDERING THE STATE SERVICES IN PROTECTION OF THE RIGHTS FOR OBJECTS OF INTELLECTUAL PROPERTY**

**Abstract.** In article process of customs protection of the rights for the objects of intellectual property (OIPR) is considered. Features of customs protection of the rights for OIPR at cross-border movement of goods as state service are revealed. Subjects, objects and instruments of customs protection within the state service are defined. The general algorithm of customs protection is given. On the basis of process approach the gaps of the existing technique causing low effectiveness of customs protection are revealed. Need of differentiation of direct customs control of the goods containing OIPR and other customs operations and actions which precede them, for the purpose of improvement of instruments of providing the state service is proved.

**Keywords:** public benefit, value in use, market, goods, foreign trade activity, customs service, customs declaring, customs register of objects of intellectual property, license contract, detection of offenses and crimes, rightholder.

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### **CAREER: FROM CRIMINAL INVESTIGATOR TO FIRST DEPUTY CHAIRMAN OF THE SUPREME COURT OF THE RUSSIAN FEDERATION**

**Abstract.** The editorial board continues to publish the recollections of Vladimir Radchenko. Two previous publications [1, 2] attracted a great interest of the readers since they allowed them to get the feeling of the living history of our motherland, to get to know the biography of a 'man from the people'. Vladimir Radchenko was born on the 1st of October 1941 in the village of Issa of Issensky district of Penza oblast, finished secondary school in the urban-type settlement of Navlya of Bryansk oblast and began working

as a worker at a local integrated industrial plant. In 1961 he entered the Saratov Law Institute, after graduation he was sent to work as a criminal investigator to Kem district and later to Suojärvi district of the Karelian Autonomous Soviet Socialist Republic. In 1977 he returned to Bryansk oblast and worked as the head of a legal aid bureau until 1980, later as a judge, from 1982 to 1985 he worked as the Chairman of the Bryansk Oblast Court. In 1985-1989 he worked in the Apparatus of the Central Committee of the Communist Party of the Soviet Union.

From 1989, he served as the First Deputy Chairman of the Supreme Court of the Russian Federation until his retirement in 2007 due to expiration of his term of office.

Vladimir Radchenko is the author of many publications and draft laws, a participant of the Constitutional Conference for the Preparation of the Constitution of the Russian Federation, editor-in-chief of the Criminal Law textbook published by the Yurait publishing house, editor-in-charge of the Commentaries to the Criminal Code of the Russian Soviet Federative Socialist Republic and to the Criminal Code of the Russian Federation.

Vladimir Radchenko's life journey – an industrial plant worker from an out-of-the-way place who became a judge of the Supreme Court of Russia – is an example of faithful service to the homeland.

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