

ABSTRACTS AND KEYWORDS

Monitoring of Law Enforcement Journal, Issue 1-2017

Viktor Astanin,
Doctor of Science in Law, Professor,
Russian Federation, Moscow
E-mail: astaninvv@rambler.ru

A CONCEPT OF A METHODOLOGICAL FRAMEWORK FOR CRIMINOLOGICAL AWARENESS RAISING FOR PARENTS CONCERNING CRIMES AGAINST MINORS

Keywords: victimisation, criminogenic factors, involving children in offending, deviant behaviour, recommendations for parents, individual and special measures of prevention.

Abstract. The paper reflects a criminologist's perspective on the sufficiency (and even redundancy) of resources for combating crimes against children which are accessible for parents. Deficiencies in classic foundations of criminal law protection for children being involved in new offending whose source is in cultivating deviations manifested predominantly though the information sphere are noted. The author's attention is focused on the possibilities for implementing individual and special measures for the prevention of susceptibility of minors to latent criminal threats. The contents of the paper is de facto presented as an outline plan for a topical research work resulting in an accessible booklet for parents on preventing crimes against children. A draft synopsis of chapters for such a booklet is given. The author's proposals are in the format of a concept of a methodology for subject criminological studies taking into account the objective realities of crime.

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

A MODERN PICTURE OF PERSONALITY TRAITS OF CONVICTED MINORS: CRIMINOLOGICAL EVALUATIONS

Keywords: juvenile/minor, juvenile offender's personality, crime, informal associations, criminogenic factor, victimisation.

Abstract. An approach, original as regards the content of the author's assessments and methodological structure, which allows to identify the actual criminologically significant traits of a convicted minor's personality is put

forward in the paper. The approach became possible due to methods of concrete sociological diagnostics which have for the first time been applied in modern Russian criminology in the format of representative requirements to the territorial scope and coverage. The presented results of research, in addition to their visual content which is novel and valuable for multidisciplinary studies of the nature of juvenile crime, are accompanied by an analysis of the realities perceived by the respondents, as assessed by a criminologist.

Sergei Ilii,
*Ph.D. in Law, Associate Professor,
Russian Federation, Moscow
E-mail: ilies@rambler.ru*

**MONITORING ELECTORAL CORRUPTION IN RUSSIA
(in the study by M. Kakitelashvili "Constitutional law problems of
financing political parties and election campaigns in the Russian
Federation")**

Keywords: election, election campaign, political party, election process, control, supervision, financing of political parties, financial report.

Abstract. In this paper the author expresses his standpoint on the most topical problems of electoral corruption in Russia stated in the monograph by M. Kakitelashvili "Constitutional law problems of financing political parties and election campaigns in the Russian Federation".

The reviewer notes that, generally speaking, the monograph has been a success. The author successfully handled the problems stated in the book: an analysis of laws on financing of parties and election campaigns had been presented, as well as their practical application. Based on the analysis of a large number of sources cogent conclusions are made and the author's standpoint on the understanding of corruption in the election process is set out.

The book is intended for professionals in the field of combating corruption as well as a wide audience of interested readers.

Zalina Cheliabova,
*Assistant at the Department of Procedural Law,
Russian Federation, Astrakhan
E-mail: zalina.chelyabova@yandex.ru*

PROBLEMS OF QUALIFICATION OF EXTORTION COMMITTED WITH VIOLENCE: LAW ENFORCEMENT PRACTICE

Keywords: criminal law, unlawful acts, guilty person, threat, crime against property, victim, infliction of harm to health, danger to the public, socially dangerous consequences, physical violence, mental violence, extortion threat, threat of violence, qualification of violence in extortion, violent acts, consequences of violence.

Abstract. The paper presents an analysis of criminal law regulating this qualifying element as well as the standpoint of the criminal law doctrine on this subject. In addition to that, provisions of Resolutions of the higher judicial authority were also analysed. Court practice data is presented which confirms the views of the author and prompts to state that the provision of the criminal law on violence in extortion that is different, as regards the content of the element of violence, from other articles of the Special Part of the Criminal Code of the Russian Federation also containing this element, is illogical. The author justifies a need to modify the current wording of Article 163 of the Criminal Code insofar as it relates to the said element (paragraph "c", part 2, Article 163 of the Criminal Code of the Russian Federation). The wording for violence in extortion proposed by the author separates violent acts from their consequences with a view to differentiate punishment for committing such offences which, in the opinion of the author, should be introduced into all articles of the Criminal Code regulating criminal liability for violent offences.

Vladimir Iuzhakov
*Dr.Sc. in Philosophy, Professor,
Russian Federation, Moscow
E-mail: yuzhakov-vn@ranepa.ru*

Aleksei Efremov,
*Ph.D. in Law, Associate Professor,
Russian Federation, Moscow
E-mail: efremov-a@ranepa.ru*

COURT PRACTICE MONITORING: ANTICORRUPTION ASSESSMENT AND PROSPECTS FOR ITS DEVELOPMENT

Keywords: arbitration procedure, civil procedure, criminal procedure, administrative procedure, corruption-generating factors, corruption, combating corruption, judgments, judicial examination.

Abstract. The paper presents an analysis of needs, practice and possibilities to stimulate a more active participation of courts in reducing the corruption-generating factors in the Russian law. The need to take part in solving this problem and its activation is caused by the insufficient effectiveness of the existing mechanism of anti-corruption assessment.

The conceptual and legal framework as well as limitations for the participation of courts in solving the issues of carrying out anti-corruption assessment are identified.

The results of a content analysis of more than 4,300 judgments passed by courts of general jurisdiction on anti-corruption assessment issues which was carried out by the authors and an evaluation of court practice as regards these issues are given. Most judgments on anti-corruption assessment issues (45.2%) concern the recognition of failure by local self-government bodies to carry out anti-corruption assessment as unlawful and imposing an obligation to carry out the assessment. The rate of independent identification of corruption-generating factors by the courts is extremely low. There are single decisions where the courts prescribe specific ways for eliminating corruption-generating factors (1.72% of the total number of court decisions considered). In general, the courts do not consider corruption-generating factors contained in the law as circumstances that contribute to committing corruption offences.

The authors propose two variants of a technology for stimulating a more active participation of courts in reducing the corruption-generating factors in the law, which provide for the use of existing mechanisms, in the first instance, special court rulings on eliminating the causes and conditions that contributed to the commission of corruption offences as well as introducing changes into procedural law which would enhance the legal possibilities for the participation of courts in reducing the corruption-generating factors in the law.

The paper was prepared based on the research work carried out in the Russian Academy of National Economy and Public Administration under the President of the Russian Federation (RANEPA) in 2016.

***Evgenii Akunchenko,**
Russian Federation, Krasnoyarsk
E-mail: kkid122@yandex.ru*

CORRUPTIVE ABUSE OF RIGHTS IN THE ELECTION PROCESS

Keywords: abuse of power, election process, elections, defects of law, corruption-generating factor, anticorruption assessment, bribery of voters, dummy candidate.

Abstract. The phenomenon of malicious exercising of subjective rights in its corruption-related understanding is considered in the paper. As a result of an analysis of existing doctrinal notions on this phenomenon and topical examples of law enforcement practice, the main characteristic features of corruptive abuse of rights in the election process are highlighted and a

definition is formulated for it. In the opinion of the author, this deviation of election behaviour is a consequence of corruption-generating factors in the election laws whose identification and elimination should become an effective means of protection of electoral relationships from unlawful infringements.

Aleksei Savichev,
Russian Federation, Moscow
E-mail: ucx7801@mail.ru

POWER, ADMINISTRATION AND SELF-GOVERNMENT IN STATE-ORGANISED SOCIETY

Keywords: power, political authority, municipal authority, administration, self-government, local self-government, society, state organised society, object of administration, subject of administration, resources (sources) of power, freedom.

Abstract. The paper presents a study of the basic essential characteristics of power, administration and self-government. The question of interrelation between these concepts is considered. Based on the study of different approaches to the definition of the terms "power" and "administration" the author sets forth his own opinion on the subject. The conclusion is made that these concepts should not be deemed identical. Power is considered as a phenomenon which is "static" in relation to the term "administration" which involves a dynamic impact on the specified object. The main features of power, administration and self-government in a state organised society are described. Special attention is given to local self-government as one of the most important democratic institutions of our time. The main problems of the implementation of power at the municipal level from the standpoint of lack of resources necessary for that are analysed. An attempt is made to identify the main factors that restrain free functioning of local self-government structures.

Tat'iana Kikot'-Glukhodedova,
Ph.D. in Law, Associate Professor,
Russian Federation, Moscow.
E-mail: support@mosu-mvd.com

SOME ASPECTS OF THE ORGANISATIONAL FRAMEWORK FOR THE ACTIVITIES OF SPECIALISED PUBLIC AGENCIES WITHIN THE SYSTEM OF NATIONAL SECURITY OF THE FEDERAL REPUBLIC OF GERMANY AND AUSTRIA

Keywords: national security system, internal and external security of the state, public authorities, territorial organisation of the state, Federal Republic of Germany, Republic of Austria.

Abstract. Germany and Austria are members of NATO. Close coordination and complementarity of the armed forces and special services of these countries in the absence of a real military threat to them allows a considerable economy of resources. After the collapse of the USSR the military budgets of these states were substantially reduced but their expenses on internal security are continuously increasing due to the threat of terrorism, as do their efforts to enhance cooperation within Europol and in the field of the activities of special services.

It should be noted that the organisational structures of national security forces of Germany and Austria are similar but not identical. The Constitutions of the Federal Republic of Germany and the Republic of Austria very clearly define the procedure of using the armed forces for ensuring internal security. In addition to that, after the Austrians gained independence in 1955 they creatively examined the German experience in building the national security system of Germany, and their police system model is closest to the Russian one.

The principles and features of the organisation of the national security systems in Germany and Austria are considered in the paper.

Aleksandr Kartskhiia,
Ph.D. in Law, Professor,
Russian Federation, Moscow
E-mail: arhz50@mail.ru

INTELLECTUAL PROPERTY IN CYBERSPACE: NEW CIRCUMSTANCES OF LAW ENFORCEMENT

Keywords: intellectual property, industrial property rights, cybersecurity, cyber-physical systems, digital space, cyber property, intellectual property rights protection in cyberspace.

Abstract. New challenges for the institution of intellectual property in the context of the emerging global digital space and cyber-physical systems are considered in the paper. The modern reality of digital space brings attention, among other problems, to issues of security of using intellectual property for all participants of civil circulation, including the rightholders themselves. The emergence of complex technological objects (artificial intelligence, analytical frameworks based on Big Data, self-controlled systems of the Smart Everything type, etc.) built on the basis of integrated technology calls forth a demand for extending the list of protectable intellectual property objects and modernisation of legal protection means in "international" jurisdiction. The creation of a vast segment of digital cyberservices as a sort of intellectual property objects, creation of "cyber property" (that is, rights to virtual objects in digital space) directly influences the nature of law enforcement practice. The digital reality creates new conditions for preventing violations of intellectual property rights and their protection and exerts an influence on the

structure of legal relationships with the participation of rightholders in cyberspace.

Aleksei Markov,
*Doctor of Science in Technology, Professor,
Russian Federation, Moscow
E-mail: a.markov@bmstu.ru*

Valentin Tsirlov,
*Ph.D. in Technology,
Russian Federation, Moscow
E-mail: z@cnpo.ru*

STRUCTURED CONTENT OF INFORMATION SECURITY REQUIREMENTS

Keywords: cyber security, information security, technical protection of information, tendencies, trends, forecasts, Common Criteria, ISO 15408, security mechanisms, organisational and technical measures, legal framework, guidelines, standards.

Abstract. The main events in the field of information security and cybersecurity over the last few years are reviewed. New society informatisation phenomena related to information security are identified. The basic trends in different segments of information security are emphasised. A brief overview of security doctrines and the legal framework for information security is carried out. Innovative lines of activity of information security regulators related to using risk-oriented approach, a system of organisational and technical measures, international approach to evaluating the compliance of IT products with information security requirements, and improving the effectiveness of information security checks are shown. The advantages and problematic aspects of using these approaches are noted. The existing uncertainties in approaches reducing the level of unification in the field of technical protection of information are shown. Proposals aimed at improving the regulatory and legal framework ensuring information security are given.

Grigorii Makarenko,
*Russian Federation, Moscow
E-mail: monitorlaw@yandex.com*

MODERN REQUIREMENTS TO RESEARCH PAPERS

Keywords: research paper structure, list of the Higher Attestation Commission, DOI, scientific apparatus, requirements to abstracts, Hirsch index, journal impact factor, originality level, plagiarism, novelty.

Abstract. Requirements to research papers put forward by various organisations are described in brief. Modern research papers must contain an introduction to the problem, problem definition, suggested solutions and results, and mandatory conclusions and summary. In addition to the content of the paper proper, the paper should strictly adhere to the standards of form which is very important for western scientific publications but unusual for Russian authors who adopted the Soviet traditions. Taking the papers in this journal as an example, we can see that some papers have very small abstracts, almost none at all, keywords repeat the terms from the paper title, conclusions are often absent, scientific novelty is not shown. Such papers, even if they contain most prominent scientific results, will not be accepted, for instance, by Scopus. The purpose of this paper is to draw attention to a strict adherence to the presented rules.
