

## **ABSTRACTS AND KEYWORDS**

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#### **ANTI-CORRUPTION PROCEDURAL LAWS OF SUBJECTS OF RUSSIAN FEDERATION REGULATING THE PROCEDURE FOR PUBLISHING INFORMATION ABOUT THE PROPERTY STATUS OF CERTAIN CATEGORIES OF PERSONS AND THEIR COMPLIANCE WITH ANTICORRUPTION REQUIREMENTS**

**Keywords:** corruption, combating corruption, corruption prevention, anti-corruption laws, income details, spending details, publishing of information, information technology law.

**Abstract.** For the first time in Russian legal science, a study of anti-corruption procedural laws of subjects of Russian Federation regulating the procedure for publishing information about the property status of certain categories of persons and their compliance with anticorruption requirements is carried out. A detailed expounding of the content of these laws as well as distinctive features of their formation in different regions of Russia considering their specialisation are presented. Specific features of setting deadlines and procedures for publishing information on the property status of certain categories of persons and their compliance with anticorruption requirements are noted.

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## **FEATURES OF LEGAL ASSESSMENT OF IMAGINARY DEFENCE**

**Keywords:** necessary defence, imaginary defence, subjective perception, factual mistake, excusable mistake, reality of encroachment, actual encroachment, situation of encroachment, subjective criterion, objective criterion, innocent infliction of harm, bona fide mistake, infliction of harm.

**Abstract.** The paper is devoted to studying features of considering the subjective perception by the person defending himself in qualifying acts committed for imaginary defence. The concept of imaginary defence is analysed and it is noted that such a concept is missing in the text of the current Criminal Code. Interpretations of the Plenum of the Supreme Court of the Russian Federation are examined and based on these interpretations three situations of imaginary defence are identified, each entailing different legal consequences for the person who inflicted harm. Based on this study the objective and subjective criteria for the situation of imaginary defence are identified, their interrelation and specific features of legal assessment are analysed. It is argued that the subjective perception of the imaginary defence situation by a person defending himself largely depends on the circumstances in which the alleged encroachment takes place. The nature of the factual mistake committed by the person defending himself in each of the three imaginary defence situations is analysed and the impact of this mistake on the qualification of defence acts is examined. Based on the analysis carried out, the assertion is put forward that all outstanding doubts about the capability and obligation of the person defending himself to perceive the absence of real encroachment should be interpreted in favour of the said person, thus avoiding the accusatory bias in qualifying the acts.

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## **USING THE CATEGORY OF 'VIOLENCE' IN LAW-MAKING**

**Keywords:** criminal law, offence, law-maker, law, criminal violence, physical violence, mental violence, victim, social danger, legal regulation, counteraction.

**Abstract.** Topical problems of legal regulation of criminal violence in Russia are considered in the paper. Definitions reflecting the main content of the concept of 'violence' are presented, different kinds of criminal violence are analysed, in particular, a legal characterisation of physical and mental violence in criminal law is given. Legal boundaries and elements of criminal violence are determined, ways of perpetrating criminal violence are analysed. Current criminal law provisions regulating liability for violent offences and the main aspects related to determining the share of violent offences in the overall number of offences irrespective of the object of encroachment are expounded by the author. Such representative materials are touched upon as data of special censuses of convicts which in turn allow to determine the share of convicts serving a sentence in prison, at the time of the census, for offences against person, depending on the category of act committed, and for violent offences against property as well as to make a criminological profile of convicts in correctional facilities who were serving a sentence for violent offences against person. In the opinion of the author, these data confirm the topicality of considering violence as a criminal law category.

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## **ON THE QUESTION OF TYPOLOGY OF JUVENILE JUSTICE MODELS IN FOREIGN COUNTRIES: THE COMPARATIVE LAW ASPECT**

**Keywords:** justice for minors, juvenile justice, juvenile crime prevention, classification, punitive model, restorative model, welfare model, laws of foreign countries, USA, Germany, Canada.

**Abstract.** The paper is written with a view to try to determine how the juvenile justice system is organised in the western countries using the case of the USA, Germany and Canada. The subject of the study is the current laws and regulations of the USA, Germany and Canada.

The author analyses various models of juvenile justice in these foreign countries, identifies specific features of each of these models, and considers the structure and system of federal and local level bodies in the sphere of juvenile justice application.

Special attention is paid to issues of efficiency as well as inefficiency of applying the punitive, welfare, and restorative models considered using the case of some foreign countries. At the same time, discussion points of each model of juvenile justice are mentioned. Special attention is given to studying of specialised laws and regulations in the field of juvenile delinquency prevention in the USA, Germany and Canada.

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**LEGAL AND ORGANISATIONAL FOUNDATIONS  
OF THE ACTIVITIES OF THE MINISTRY OF INTERNAL AFFAIRS  
FOR THE DEVELOPMENT OF THE INDUSTRY  
OF THE RUSSIAN EMPIRE  
IN THE 1<sup>ST</sup> HALF OF THE 19<sup>TH</sup> CENTURY**

**Keywords:** Ministry of Internal Affairs, protectionist policy, Main Administration of Manufactories, Expedition of State Economy, Ministry of Finance, Department of Manufactories and Domestic Trade, privileges, foreign colonists.

**Abstract.** The purpose of this paper is carrying out a complex analysis of legal and organisational foundations of the activities of the Ministry of Internal Affairs for the development of industry in the first half of the 19th century. The research was performed based on the study of laws and regulations contained in the Complete Collection of Laws of the Russian Empire (1<sup>st</sup> and 2<sup>nd</sup> collection) as well as the reports of the Ministry of Internal Affairs. As a result, it was possible to identify the main lines of the activities of the Ministry of Internal Affairs of the Russian Empire in the area of improving the legal framework regulating the activities of the industry in the period under consideration as well as implementing a protectionist policy of the government as regards private entrepreneurs. The result of the efforts of the Ministry was the satisfaction of needs of the Army and Navy for cloth and an almost complete elimination of dependency of the country on imported cloth.

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**'CLOUD' TECHNOLOGIES:  
RUSSIAN AND FOREIGN LAWS AND LAW ENFORCEMENT PRACTICE**

**Keywords:** cloud services and computing, intellectual property, personal data, service agreement, confidential information.

**Abstract.** Legal aspects of using digital technologies in the new conditions of digital economy, as well as new challenges for traditional institutions of modern law are considered in the paper. Wide practical application of modern revolutionary technologies (artificial intelligence, blockchain technology, analytical databases, "cloud computing", self-managed systems) forms a new "digital ecosystem" to which modern law should adapt. "Cloud" computing and "cloud" services as components of the modern digital economy and technological infrastructure of the digital ecosystem have formed a new legal institution within the structure of digital services. Modern Russian laws, the EU and US laws in the area of "cloud" technologies are adapting to the capabilities of digital technologies and the needs of their broad practical use. The paper analyses features of legal regulation of "cloud" services and computing in Russian and foreign laws as well as law enforcement practice. The author comes to the conclusion that "cloud" computing and "cloud" services as new types of Internet services are able to form a civil digital turnover in the structure of the modern digital ecosystem, and the operational capabilities of these digital technologies serve as an instrument for adapting the law to the realia of the modern digital world.

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## **MONITORING OF COURT DECISIONS ON LAWSUITS RELATED TO THE PROVISION OF LAND LOTS**

**Keywords:** the Constitution of the Russian Federation, the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, commercial court, prosecutor, lawsuit, land dispute, adequacy of the requested and granted land lot, ways to protect violated rights, rule of law.

**Abstract.** Protection of constitutionally guaranteed rights of citizens, interests of society and state using means of prosecutorial response in the disposal and use of land is an important activity of Prosecution Office bodies. The paper analyses topical issues and emerging court practice of consideration by commercial courts of lawsuits related to provision of land lots which were initiated by prosecutors. This class of cases and problems of their consideration by commercial courts are of great importance for overseeing the execution of laws in the field of land lots turnover. The author shows that laws regulating legal relations in the field of disposal and use of land lots are of complicated cross-sector nature, which is illustrated by examples of consideration of such cases given in the paper. In addition, the author proposes introducing legislative modifications into the procedural law, with regards to the powers of the prosecutor.

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## **LEGAL REGULATION OF COMBATING FAMILY AND DOMESTIC VIOLENCE IN RUSSIA AND ABROAD: A COMPARATIVE ANALYSIS**

**Keywords:** family, government, family and domestic violence, human rights, minor, victim of violence, legal regulation, law, offence, prevention, combating, human rights defenders.

**Abstract.** In this paper the author considers features of legal regulation of relations in the field of prevention of family and domestic violence in today's Russia. An analysis of provisions of current laws directed at protection from family violence is made. A comparative express analysis of international law in this field is given. Foreign experience in creating conditions required for the safety of the family is presented. Countries where special laws and regulations directed at combating family violence are in force, are noted. Social and legal problems contributing to family and domestic violence are expounded. Considering the opinions of some human rights defenders and officials, a justification is given for the conclusion that the laws on preventing family and domestic violence in Russia should be improved. Attention is drawn to the fact that passing a special law directed at the prevention of family and domestic violence is a socially conditioned necessity. It is noted that such a law can become an additional tool for the prevention of family and domestic violence, legal protection of victims of family and domestic violence, and inevitability of punishment of the guilty.

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## **CHARACTERISATIONS OF THE SOCIAL ROLE OF COURT-APPOINTED MANAGER IN BANKRUPTCY PROCEDURES**

**Keywords:** temporary manager, external management, bankruptcy proceedings, financial resolution, conflict, insolvency, disqualification, criminal liability, bankruptcy, social role, role theory of personality.

**Abstract.** The first legislative act in the history of modern Russia regulating the sphere of insolvency was Law No. 3929-1 of the 19<sup>th</sup> of November 1992 "On insolvency (bankruptcy) of enterprises" which laid down the modern form of the concept of court-appointed manager as the person appointed by a commercial court to whom the functions of managing the creditor's property are transferred. At the same time, during twenty-five years of existence and development of the profession of court-appointed manager, no single opinion was formed in scholarly literature on the socio-economic function of court-appointed management and the social role of court-appointed manager. Moreover, no professional standard for the activity of court-appointed manager has been formed at the law-making level and his job function has not been laid down. The author of the paper carried out an analysis of the social role of court-appointed manager, identified specific features of the professional activities of managers depending on the insolvency procedure, and considered the court-appointed manager's key skills and knowledge.

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## **THE CURRENT STATE AND PROSPECTS OF EXPANDING THE EXTERNAL INTERACTION OF PRODUCTION DIVISIONS OF THE PENAL SYSTEM IN THE INNOVATION SPHERE**

**Keywords:** innovation, production, industry, interaction, entrepreneurship, commercialisation, public-private partnership, agreement, enterprise, penal system, property, agriculture.

**Abstract.** The current state of external interaction of production divisions of the penal system which is based on the interaction with public authorities and with organisations of the business sector is examined in the paper. Arguments are presented for the conclusion that inter-institutional interaction should not be limited to the conclusion of agreements between penal system divisions and law enforcement institutions and in the long term should be expanded by concluding mutual agreements with divisions of other executive authorities, for example, the Federal Service for Intellectual Property. Conclusions are made about the lack of systemicity in the interaction of production divisions of the penal system with the private sector considering a number of encumbrances and difficulties, notably the need to observe regime requirements in the territory of penal system institutions, using low-skilled work of convicts and outdated infrastructure. At the same time, the advantages of using the production facilities of correctional institutions are emphasised, such as the diversified nature of production operations carried out at these facilities, a number of tax concessions they have, and a system of vocational training for convicted persons. In this regard, it is proposed to expand the interaction of production divisions of the penal system with the business community by concluding public-private partnership agreements, first of all, concerning facilities for production, processing and storage of agricultural production, a justification is given for the advisability of extending the list of objects of public-private partnership agreements, so that buildings and constructions of the residential zone of correctional facilities be also included in the list. Additionally, the possible socially useful effect of participation of correctional facilities in public-private partnerships is specially emphasised which manifests itself in the reduction of disciplinary violations on the part of employed convicted persons and stabilisation of the operational situation in their territory.

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## **ISSUES OF DISTINGUISHING BETWEEN VIOLENT ROBBERY AND DANGEROUS ROBBERY: PROBLEMS OF QUALIFICATION**

**Keywords:** violence, violent robbery, dangerous robbery, violence without danger, dangerous violence, violent encroachment on property, qualification, distinguishing, differentiation, dangerous method, harm to health, supreme judicial authority, subjective perception, uncertain nature of the threat.

**Abstract.** An analysis of the problem (at present a topical one for the criminal law doctrine and law enforcement practice) of distinguishing between such violent encroachments on property as violent robbery and dangerous robbery which are similar from the standpoint of law-making structure is given in the paper. The author justifies the need to examine the said problem by pointing to different positions taken by courts in qualifying the acts of the perpetrators of the said criminal encroachments. The courts present the same arguments contained in the recommendations of the Plenum of the Supreme Court of the Russian Federation in the Resolution No. 29 of the 27th of December 2002 entitled "On Court Practice in Cases of Theft, Violent Robbery, and Dangerous Robbery". It is assumed that the reason for the presented differences in the assessment by the courts of violent acts in taking possession of another's property can lie in the defects of law-making technique as regards the violent encroachments on property under consideration as well as in the description of these acts which discerns different degrees of danger of violence. The elements allowing to differentiate these kinds of violence are named and made specific in Paragraph 21 of the said Resolution No. 29. The author states the ambiguity in understanding these recommendations of the supreme judicial body by the courts. The author presents her conclusions about the court practice presented as well as for the paper on the whole, her goal being a uniform understanding and application of law.

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