

## **ABSTRACTS AND KEYWORDS**

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#### **CONSTITUTIONAL LAW ENFORCEMENT AND ITS VALUE COMPONENT**

**Keywords:** constitutional law enforcement, constitutional rules, constitution, constitutional court, subject of law, judge, constitutional justice, court decision, axiology of law, constitutional values, constitutionalisation, interpretation of a legal rule.

**Abstract.** The paper is devoted to specific features of law enforcement in the sphere of constitutional justice as a field of power administration by such authorised bodies as constitutional courts. The author uses formal dogmatic, comparative law methodology, law history analysis, and introduces examples taken from the judicial practice of the Constitutional Court of the Republic of Belarus in order to justify the significance of the values component of constitutional law enforcement. Constitutional courts interpret constitutional rules in the course of their law enforcement activities, thus filling complicated philosophical and legal concepts serving as highly generalised dimensions of possible or proper conduct of subjects of law with specific legal normative meaning. Due to the activities of constitutional courts, the general principles and values enshrined in constitutions and representing an axiological characteristic of the society and state "refract" so as to regulate specific social relations. The author points to a key role of a high level of constitutional legal consciousness and thought, professionalism, skills and creativity of judges as the main subjects of constitutional law enforcement determining its "value parameters". A conclusion is justified that the normative and doctrinal nature of the decisions of constitutional courts contributes to the constitutionalisation of the entire national legal system.

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## **SUBJECTIVE PUBLIC RIGHTS: SOME ASPECTS OF THEIR ORIGIN AND CONTENT**

**Keywords:** public law, private law, subjective right, subjective civil right, legal balance, discretionary powers, combating corruption, discretion, civil (municipal) service, powers, competence, secondary rights.

### **Abstract.**

Purpose of this work: determining the juridical content of the legal category of 'subjective public right' and distinguishing it from allied legal concepts and sectoral institutions of public and private law.

Method of study: comparative analysis of sectoral laws, private and public law standards, retrospective and legal dogmatic approach in studying the development of legal standards and institutions.

Results obtained: in the paper, for the first time, subjective public rights and subjective civil rights in interrelation of private and public law on the basis of legal balance of values protected and lawful interests are examined. In the presented part of the study, the existence of an own, independent legal content of the studied category of 'subjective public right' which is not equivalent to subjective civil right in private law sectors is established and shown, and the unacceptability of actions committed 'at own discretion' in the activities of officials and public authorities as well as the exceptionality of using discretion powers excluding manifestations of corruption are pointed out.

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## **MONITORING OF LAW ENFORCEMENT IN THE ELECTORAL SPHERE AND THE ACTIVITIES OF PROSECUTION BODIES**

**Keywords:** elections, legality, federalism, electoral legislation, electoral system, electoral process, prosecutor, voters' legal consciousness, public opinion, political parties, deputy.

### **Abstract.**

Purpose of the paper: assessing the state of legality in the electoral sphere and determining ways to strengthen it as well as improving prosecutorial oversight over the execution of election laws.

Object of study: the social relations developing over the period 2000-2018 in the sphere of the election of the President of the Russian Federation (2000, 2008, 2012, 2018), deputies of the State Duma of the Russian Federation (2003, 2007, 2011, 2016), representative (law-making) bodies of state power and higher officials of subjects of the Russian Federation as well as self-government bodies.

Subject of study: electoral laws and regulations regulating the procedure of carrying out these elections as well as the practice of their application.

Methodology of study: general scientific methods of cognition (dialectical, analysis and synthesis, etc.), as well as sociological, historical, comparative legal, formal legal methods, etc.

The paper contains an analysis of federal and regional electoral laws and regulations based on which a conclusion is made that modifications introduced into the election legislation are of timeserving nature.

Results of study: based on the analysis of data of prosecutorial oversight over the execution of election laws and regulations (statistical data, prosecutors' reports, prosecutor response acts, polling of prosecutors, etc.), judicial practice, and public opinion polls (data obtained by the Russian Public Opinion Research Centre (VTsIOM), the Public Opinion Foundation (FOM), etc.), law enforcement problems are detected, a classification of typical violations committed in the course of election campaigns is presented, and proposals of law-making and practical nature aimed at ensuring legality and raising the efficiency of prosecution bodies' activities in this area are put forward.

Finally, a conclusion is made that there is a need for a constitutional fixing of the electoral system, conferring on prosecutors the right to oversee the execution of laws by electoral commissions, and it is concluded that voters' legal consciousness is a key element of the state of legality in the electoral sphere.

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## **GOVERNMENT CONTRACTS: BUDGET LAW FOUNDATIONS OR 'BARRIERS'?**

**Keywords:** government budget, government contract system, budget funds, contractual relations, efficient spending of budget funds, treasury control.

**Abstract.** The Russian Federation, being an equal participant of civil law (contractual) relations and enjoying a special legal status, has the right to right to enter into various contracts equally with their other parties (natural and legal persons). In particular, one of the forms of participation of the Russian Federation in contractual relations is the contract system in the sphere of purchasing of goods, works, and services for government and municipal needs.

The following basic budget law foundations of government contracts determining their specific features are considered in detail in this paper:  
(1) regulation of certain issues related to the contract system and budget laws of the Russian Federation,  
(2) considering the contract system as an object of information systems whose administrator is the Federal Treasury of the Russian Federation, the key agency engaged in budget activities,  
(3) introducing new tools for internal government budget control, treasury control and budget monitoring, in respect of certain types of government contracts.

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## **A NEED TO DIFFERENTIATE LIABILITY FOR DIFFERENT TYPES OF VIOLENCE**

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

### **Abstract.**

Purpose of the paper: studying important aspects of differentiating criminal liability for different types of violence with a view to formulate theoretically significant and practically interesting proposals and recommendations.

Method used: systemic legal and comparative legal analysis of the results of research by other authors on the issues of differentiating criminal liability for different types of violence.

Results obtained: a corrected definition of the concept of violence considering definitions of the concept found in research publications is proposed. The authors determine the legal boundaries as well as features characteristic for criminal violence and propose criteria for determining different types of criminal violence and ways of committing it. An attempt is made to outline criteria for differentiating criminal violence liability for criminal violence, and its main types are identified. Due attention is given to existing legal regulations concerning liability for violent offences.

Conclusions: based on the analysis carried out by the authors, proposals aimed at deepening our knowledge on different aspects of using the categories under consideration by the law-maker are put forward. Such an important issue as the sufficiency of constructing qualified elements of an offence by the law-maker as regards certain clauses of the Special part of the Criminal Code using the type of violence is not left unaddressed. A justification is given for the proposition that it is hardly possible to consider the question of socially dangerous encroachments in the criminal law doctrine as finally settled.

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**OFFICIAL CAUTIONING AS AN EFFICIENT MEANS  
FOR PREVENTING LAW VIOLATIONS:  
ISSUES OF LEGAL MONITORING**

**Keywords:** legal policy, preventing law violations, legal monitoring, official cautioning.

**Abstract.** Mechanisms of a system for preventing law violations are considered in the paper. In the Soviet period, an efficient element of such a system was official cautioning. Using historical experience of preventive activities of law enforcement bodies is viewed by the authors as advisable from the standpoint of minimising law violations in the modern period.

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## **INTERNAL SYSTEM COLLISIONS OF NOVELTIES OF CRIMINAL LAW AIMED AT PREVENTING CRIMINAL SUICIDES IN RUSSIA**

**Keywords:** offences against life, suicide, suicide prevention.

### **Abstract.**

Purpose of this work: detecting internal system collisions of novelties of criminal law aimed at preventing criminal suicides in Russia and putting forward proposals for their elimination.

Method of study: legal and comparative analysis of Articles 110.1 "Convincing to Commit Suicide or Assisting in Committing Suicide" and 110.2 "Organisation of Activities Aimed at Convincing to Commit Suicide" of the Criminal Code of the Russian Federation.

Results obtained: novelties of criminal law aimed at preventing criminal suicides in Russia were included in the criminal law in violation of the rules of juridical technique, the established fundamental basics of criminal law and law enforcement practice, as indicated by the shortcomings of their legal construction which are set forth in this paper. These shortcomings created a number of internal system collisions in the criminal law, significantly reducing its quality. These novelties point to unprofessionalism demonstrated by Russian law-makers, and it must be disposed of, abandoning the practice of making changes and amendments to normative acts, especially at the federal level, hastily or at least without considering the opinion of the scientific community and the results of analysis of law enforcement practice.

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## **MONITORING PROBLEMS OF SOCIAL PROTECTION OF MULTI-CHILD FAMILIES (A SOCIOLOGICAL ANALYSIS)**

**Keywords:** multi-child family, social welfare benefits, material security, housing, employment, health care and protection, education, social services, leisure.

### **Abstract.**

Purpose of the paper: studying problems of raising the role of family in the society, of stimulating childbearing, improving the social and economic conditions for daily activities of families and raising their standard of living. The state and the family must become partners, mutually sharing the risks and responsibility for the well-being of individual families as well as of the state as a whole.

Method of study: sociological polling. The information basis of the paper is based on the data of a sociological poll of 2110 respondents. The maximum share of poll participants has 3 to 4 children in their family (86.8%), almost every eighth family (12.6%) has 5 to 9 children, less than 1% of poll participants have 10 and more children in their family. On the whole, this distribution of participants is representative and closely corresponds to the statistical data ratios presented on the official web site of the Department of Labour and Social Protection of the Population of the City of Moscow: 92,704 families (almost 83%) have 3 children, 13,647 families (12%) have 4 children, and 3,721 (3.3%), 5 children. Families with 5 or more children make 4.9% of the total number of multi-child families.

The vast majority of children in polled families are own children (98.7%) and only 1.1% are adopted ones. Every 11th respondent (8.8%) indicates that disabled children are being raised in his/her family, of which 5% are adopted children.

The obtained results are formulated in the form of proposals in the sphere of material security, health care and protection, education, welfare, leisure, housing provision, raising the role of multi-child families and forming perceptions of successfulness of multi-child families in the society.

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## **THE PROFESSIONAL CULTURE OF THE JUDGE AS A TYPE OF PROFESSIONAL LEGAL CULTURE**

**Keywords:** professional legal culture, judicial activity, moral and legal principles of justice, judge, Code of judicial ethics.

**Abstract.** The purpose of this article is to carrying out an analysis and comparison of such categories as "legal culture" and "professional legal culture of the judge". The author studies and presents the opinions of scholars concerning the phenomenon of legal culture of judges, analyses the main theoretical and methodological approaches to studying professional culture. A justification is given to the author's conclusion that the professional legal culture of judges is manifested, first and foremost, in the results of their activities, where the criterion for assessing the level of professional legal culture of judges is their behaviour, professional and outside of the court. The author's understanding of professional legal culture as a type of legal culture is presented. This type of legal culture is inherent in the professional group of lawyers: judges, holders of state power, expressed through legal consciousness, internal beliefs and attitude towards legal and universal human values and manifested in professional activities and outside of their boundaries.

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