

ABSTRACTS, KEYWORDS AND REFERENCES

THE STRUGGLE FOR CRIMINAL LAW REFORM

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Keywords: *criminal law, humanisation, provisions of the code, reprisals, administrative penalty, maximal sanctions, qualification elements, stare decisis.*

Abstract (editorial note). *In a discussion paper written by a famed expert who had worked for many years in the Supreme Court of the Russian Federation at the time of profound changes in the laws of our country, topical and essential questions of humanisation of criminal law are raised, concrete proposals are put forward that take into account the Soviet experience as well as the practice of Western countries. The author holds that the time has come for developing a new Criminal Code of the Russian Federation or, at a minimum, for a thorough reworking of the existing Code.*

ANTI-CORRUPTION PROCEDURAL LAWS OF SUBJECTS OF THE RUSSIAN FEDERATION REGULATING THE PROCEDURE FOR SUBMITTING ASSETS DETAILS INFORMATION FOR CERTAIN CATEGORIES OF PERSONS

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Keywords: *corruption, combating corruption, anti-corruption laws, income details, spending details, assets details information, anti-corruption procedure.*

Abstract. *Purpose of the work: developing one of the lines of theoretical foundations of Russia's anti-corruption procedural laws and making proposals for improving regional anti-corruption procedural laws regulating the procedure for submitting assets details information for certain categories of persons.*

Research method used: comparative analysis of procedural laws of subjects of the Russian Federation regulating the procedure for submitting assets details information for certain categories of persons.

Results obtained: in this work, for the first time in Russian legal science, anti-corruption procedural laws of subjects of the Russian Federation regulating the procedure for submitting assets details information for certain categories of persons are examined. The content of these laws is expounded in detail, considering their specific regional features. Significant shortcomings in the legal regulation of issues concerning submitting assets details information for certain categories of persons are identified, and, with a view to improve Russia's regional anti-corruption procedural laws, a number of concrete measures for improving regional anti-corruption procedural laws regulating the procedure for submitting assets details information for certain categories of persons are put forward.

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MOTIVES AND MOTIVATION IN THE GENESIS OF CRIMINAL BEHAVIOUR

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Keywords: *motives, motivation, offence, personality, mercenary motives, psychology.*

Abstract. *Purpose of the paper: specifying the concepts of motives and motivation and distinguishing between them. Method of study: comparative analysis.*

Result obtained: the motives for committing an offence are a very important feature characterising the degree of social danger of not only a criminal action, but also of the person who committed it. Motives and motivation should be considered as two interconnected but not identical concepts. Motivation is a regulating and guiding process of making a choice between various possible actions, a system of stimuli for theoretical and practical activities. It can be contended that motives express the most important individual traits and properties of the personality, its needs and aspirations. Therefore, not only the corresponding circumstances and environment are important for forming motives but also the person's inner, spiritual world. From that standpoint, special attention in the paper is paid to offences motivated by religious hatred or enmity.

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ON THE NEED TO STRENGTHEN CRIMINAL LIABILITY FOR VIOLATING THE REQUIREMENTS FOR THE PRESERVATION OR USE OF CULTURAL HERITAGE

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Keywords: *cultural heritage, monuments of history and culture, identified cultural heritage, cultural values, archaeological heritage, government policy in the field of criminal law, criminalisation, penalisation, strengthening of criminal liability, changing the category of offence, social danger.*

Abstract. *Preservation of unique samples of cultural and historical life activities of the past requires the government to take adequate measures for strengthening the responsibility for violations resulting in the destruction or damage of cultural heritage and identified objects of cultural heritage of peoples of the Russian Federation. In the paper a conclusion is made, using the accumulated scientific experience, about insufficient criminalisation and penalisation of the offence provided for in Article 243.1 of the Criminal Code of the Russian Federation. Based on a generalisation of law enforcement practice and the results of an expert poll, the author proposes to introduce changes in the sanction part of Article 243.1 of the Criminal Code of the Russian Federation which would result in changing the category of the offence and, accordingly, the jurisdiction of criminal cases of this category, and it will be possible to prosecute for preparation for committing the offence.*

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PROBLEMS OF QUALIFYING DECEIT AS A WAY OF COMMITTING FRAUD USING ELECTRONIC MEANS OF PAYMENT

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Keywords: *criminal law, way of committing an offence, deceit, fraud, electronic means of payment.*

Abstract. *The paper is devoted to problems of qualifying deceit as a way of committing fraud using electronic means of payment. A need to formulate the concept of deceit for the offence provided for in Article 159.3 of the Criminal Code of the Russian Federation is expounded in the paper. The author considers active deceit in committing fraud using electronic means of payment as the main and only way of committing this crime, proceeding from court practice and the Russian criminal law doctrine.*

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ISSUES OF DISTINGUISHING BETWEEN EXTORTION, VIOLENT ROBBERY, AND DANGEROUS ROBBERY: PROBLEMS OF QUALIFICATION

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Keywords: *violence, violent encroachments on property, violent robbery, dangerous robbery, extortion, extortion threat, extortion with violence, actual use of violence, intensity of violence, types of violence, qualification, distinguishing, differentiation, means of property acquisition, "future" nature, requirement.*

Abstract. *A currently topical problem for criminal law doctrine and law enforcement agencies, namely, that of distinguishing between such legally similar violent encroachments on property as extortion, violent robbery, and dangerous robbery is analysed in the paper. A need to investigate the problem is justified, in the opinion of the author, by existing differences in the positions of courts in qualifying the actions of the perpetrators of the said criminal encroachments. The author gives a special attention to the "future" nature of extortion as the main criterion for differentiating it from violent robbery and dangerous robbery. It is this distinguishing feature that is contained in the recommendations of the Plenum of the Supreme Court in Resolution No. 56 of the 17th of December 2015 "On Judicial Practice in Extortion Cases (Article 163 of the Criminal Code of the Russian Federation)". The author also draws attention to other distinguishing features of these violent encroachments on property, describes the attitude of the doctrine to them as well as their implementation by courts of general jurisdiction. After having investigated the doctrinal understanding of the problem mentioned in the paper as well as the complexity of its law enforcement the author makes a conclusion for this article as a whole pursuing the goal of a uniform understanding and application of the law.*

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DEVELOPMENT OF LAWS WITHIN THE FRAMEWORK OF IMPLEMENTING RUSSIA'S LEGAL POLICY IN THE SPHERE OF SUPPORT FOR MOTHERHOOD AND FAMILIES WITH CHILDREN

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Keywords: *families with children, motherhood, institution of children's rights ombudsman, family values, legal regulation, social support, minors' subsistence, social welfare, maternity benefits.*

Abstract. *The purpose of this work is to present an analytical overview and analysis of the laws of the Russian Federation in the sphere of legal regulation of state support for the family, families with children, motherhood, and childhood.*

Research methods. Complex, interrelated issues of implementation of Russia's legal policy in the sphere of support for motherhood and families with children in their relation to the role and fundamental influence of the development of federal and regional laws are considered using the philosophical dialectical method. The general scientific method of analysis allowed to study federal normative legal basics of state support for the family and to consider regional specifics of legal regulation of relations in this sphere. The comparative law method contributed to the understanding of the general and the special in distinguishing between the concepts of "legal policy in the sphere of support for motherhood" and "state legal policy".

Results obtained. The national priorities of legal policy in the sphere of support for the family, motherhood, and childhood publication are analysed in the publication. The author's understanding of the legal policy in this sphere, its subject structure is presented, the main laws and regulations adopted within the framework of implementing Russia's legal policy in the sphere of support for motherhood are analysed. The author defines the legal policy in the sphere of support for motherhood, which is the activity of government agencies, municipal agencies, social institutions carried out with a view to improve the situation of families with children, create favorable conditions for the birth and upbringing of a child. The distinction between this concept and that of government legal policy is presented. Measures of support for motherhood and families with children at the federal and regional level are presented. The main regulations and laws regulating the system of welfare payments made due to the birth (adoption) of a child, organisational and legal justifications for payments at the expense of maternity (family) capital, as well as novelties of law within the framework of implementing the mechanism of improving the quality of life of families with children. A justification is given for the importance of the principle of family upbringing of children as a priority line of government legal policy.

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WHAT IS THE 'PRICE' OF FREE LEGAL AID?

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Keywords: *free legal aid, lawyers, government legal bureau, Law on free legal aid in the Russian Federation, government free legal aid system, non-government free legal aid system, law clinic, socially oriented non-government organisations.*

Abstract. *This research subject is rather topical. A high level of legal nihilism is observed in our country. The government policy aimed at raising the level of citizens' legal consciousness has not yielded any results so far. The government as represented by an authorised executive branch agency, the Ministry of Justice of the Russian Federation, undertakes efforts for developing a government as well as a non-government free legal aid system. The author analyses the provisions of Federal Law No. 324-FZ of the 21st of November 2011 "On Free Legal Aid in the Russian Federation" (hereinafter "the Law on Free Legal Aid") and examines the specific features of financing the participants of the government as well as non-government system for rendering free legal aid. The role of law clinics in raising the legal awareness of citizens and the level of legal consciousness of the population is examined. Problems of financing lawyers taking part in the government free legal aid system from the budgets of the subjects of the Russian Federation are analysed.*

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BUDGET MONITORING: THE LEGAL ASPECT

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Keywords: *monitoring, state financial control, budget control, Federal Treasury, internal state budget control, budget monitoring.*

Abstract. *Government spending management was always considered a topical and priority problem for every country, irrespective of its economic development level and amount of state treasury revenues. Under crisis conditions the Russian Federation is experiencing now, special emphasis is put on an increase of control of efficient and target spending of budget funds. The modern stage of reforming the government financial control, the internal financial (budget) control in particular, requires implementing new forms to carry it out. One of such forms is budget monitoring.*

This paper carries out an analysis of the emergence of budget monitoring, its role in the government financial budget control as well as its current legal regulation and extent of scientific development.

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PUBLIC COUNCILS UNDER GOVERNMENT AUTHORITIES AS SUBJECTS OF COMPETENCE OF CIVIL SOCIETY INSTITUTIONS: THE SOCIOLOGICAL AND MANAGEMENT ASPECT

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Keywords: *expert, expert community, competency, social protection, public administration, social worker, expert methods, regulatory support, content analysis, brainstorming, expert polling, experts' powers, sociology of management, management solution.*

Abstract. *The purpose of the article is to analyse the sociological and legal support of the activities of the Public Councils (Councils) under the executive authorities and to put forward relevant proposals.*

Research methods: expert polling of members of the Public Council under the Department of Labour and Social Protection of the Population (DLSP) of the City of Moscow, content analysis of the main regulations and laws regulating the activities of the Public Councils under the executive authorities.

Results obtained. The powers of the Public Councils under the executive authorities (as exemplified by the Public Council under the DLSP of the City of Moscow) are specified and grouped. A need for a correlation between the powers of the Councils and their status of a subject of competence of civil society institutions is established and expounded. A discrepancy between the status of a subject of competence and the powers of the Councils is detected, which is manifested in the insufficiency of the existing regulatory framework, its adequacy for the factual powers of the Council implemented in practice. Thus, the absence of clearly defined rights, duties and responsibilities of experts being members of the Public Council was established. Recommendations for making amendments to relevant laws and regulations were put forward, to be considered measures for improving the sociological and legal support of the activities of the Public Councils under the executive authorities. A definition of the term "expert community" having no clear definition in laws and regulations is presented. The need is justified for a wider use of the toolkit of sociology of management in the methodical support of the activities of the Councils.

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LEGAL REGULATION OF CITY ELECTIONS IN MOSCOW IN 1892–1917

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Keywords: *city self-government, city Duma, city Duma members, the 1892 urban reform, polling place, electorate, urbanisation, political parties, election campaign, repeated voting, voting qualifications.*

Abstract. *The paper presents a historical and legal study of city election campaigns in Russia. The author analyses the features of implementation of the 1892 City Act in Moscow. Issues considered: reduction of number of voters as a result of the reform, share of voting right holders in Moscow and other cities of Russia, features of the organisation and carrying out of election campaigns in the capitals. Special attention was paid to the forming of polling places. The author carries out a comparative legal analysis of the specific features of their formation during the period of validity of the 1892 City Act in Moscow and Saint Petersburg. As a result, a conclusion is made that Moscow's experience of holding city elections in this historical period was more successful. At the same time, the author noted that as regards the share of city voters in the total number of citizens, Moscow was in the least favorable position. This was caused by an extremely high rate of urbanisation in Moscow in this historical period. In its turn, the dynamics of the increase in the number of voters lagged significantly behind these processes.*

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PHILOSOPHY OF CONSTITUTIONALISM: HISTORY AND MODERN TIMES (AN OVERVIEW)

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