**ABSTRACTS AND KEYWORDS**

**Monitoring of Law Enforcement Journal, Issue 2-2019**

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# DETERMINING THE NORMATIVITY OF LEGAL REGULATIONS: DOCTRINAL UNDERSTANDING AND LAW ENFORCEMENT PRACTICE

**Keywords:** legal norm, legal instrument, normativity, determining the attributes of normativity, legal force of a legal regulation, law enforcement, court practice.

**Abstract.**
Purpose of the paper: defining the main criteria for establishing the legal force of a legal instrument.

Method of study: systemic and comparative law analysis for identifying and classifying the main attributes for differentiating between normative and non-normative legal regulations.

Results obtained: doctrinal approaches to defining the concepts of "legal instrument" and "normative legal regulation" as well as attributes indicative of normative legal regulations are studied in the work. A justification is given for the main criteria of determining the normativity of legal regulations, considering the analysis of court practice materials in cases of challenging normative legal regulations.

Conclusion: in the opinion of the author, an analysis of court practice materials confirms the conclusion that an important criterion of differentiating between normative and non-normative legal regulations is the content of their prescriptions and the way of regulating appropriate relations, a crucial attribute of a normative legal regulation being the presence of legal norms in the legal instrument.

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# LEGAL LIABILITY IN THE DYNAMICS OF LEGAL REGULATION

**Keywords:** legal regulation, law dynamics, stages of legal regulation, implementation of law, government coercion, legal liability, realisation of legal liability, legal relationship, voluntary form of realisation of legal liability, compulsory form of realisation of legal liability, law enforcement.

**Abstract.**
Purpose of the paper: determining the place and functional role of legal liability in the dynamics of legal regulation at the level of objective and subjective law, deepening general theoretical and applied knowledge about the dynamic nature of legal liability through its integrated characteristics.

The research methods cover a set of principles, techniques and tools used by the author to ensure the objectivity and reliability of the intermediate and final results of the study. General scientific (dialectical, systemic, etc.), special (sociological, statistical, etc.) as well as private legal research methods (formal legal, structural legal, etc.) are used.

Results obtained: the author comes to the conclusion that the implementation of legal liability in research literature and in practice is viewed from the perspective of one of three approaches: the modernisation, functional or integrative one. The existence of legal liability at the level of general (legal liability in an objective sense) and specific (subjective legal liability) legal relations is justified. The regulatory proper, substantive law and procedural law aspects of the dynamics of legal regulation in the context of development of legal liability are identified and characterised. A general model (scheme) of implementation of legal liability through the prism of the law enforcement mechanism and legal regulation stages is presented. Specific features of the voluntary and compulsory forms of realisation of legal liability are expounded using the provisions of current laws, international acts, materials of law enforcement practice as well as a sociological study data.

It is recommended that the basics of the dynamics of legal liability set forth in the study be taken into account by law making and law enforcement bodies in forming its structure, implementation mechanism as well as practical application.

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# JUDICIAL ETHICS AS AN ELEMENT OF THE PROFESSIONAL LEGAL CULTURE OF THE JUDGE

**Keywords:** law, morality, morals, legal culture, ethics of the judge, legal activities.

**Abstract.** The main approaches to studying judicial ethics as a type of professional ethics of lawyers are considered by the author. It is shown in the paper that the professionalism of the judge, his/her level of legal culture and legal consciousness are in large part determined by his/her personal characteristics which are being formed in the whole course of his/her professional activities. The author justifies the conclusion that judicial ethics, being an integral part of professional legal culture of the judge, includes a set of rules of professional and extrajudicial behaviour of judges which are formed on the basis of interrelation of legal and moral principles.

The general scientific method of synthesis allowed to combine different approaches to the study of ethics as an actual, necessary component of the judge's activities. The method of comparative law used in the work contributed to the identification of universal axiological approaches to the value of moral foundations of the judge's activities.

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# ON THE ROLE OF CONCEPTUAL AND CATEGORICAL FRAMEWORK IN THE SPHERE OF PREVENTION OF CHILD NEGLECT AND JUVENILE DELINQUENCY AS WELL AS CHILD RIGHTS PROTECTION IN THE NATIONAL LEGISLATION OF FOREIGN COUNTRIES

**Keywords:** legal terminology, definition, conceptual framework, minor (juvenile), system of prevention of child neglect and delinquency, national laws, foreign countries, child, homeless child, neglected child, legal regulation, child rights protection.

**Abstract.**
Purpose of the paper: studying the current laws of the Russian Federation, national laws of the European Union countries and North America in order to identify contradictions in using the categorical framework in the field of prevention of child neglect and delinquency and child rights protection.

Method of study: comparative analysis of the normative categorical framework in the field of prevention of child homelessness, neglect and delinquency and child rights protection contained in the laws of foreign countries.

Results obtained: differences in approaches to the use of certain legal definitions in the field of prevention of child neglect and delinquency and child rights protection are shown. Approaches to definitions of such concepts as “minor”, “homeless child”, “neglected child” are considered in detail.

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# IMPLEMENTATION OF FORMS AND METHODS OF ADMINISTRATIVE ACTIONS OF EXECUTIVE AUTHORITIES IN ORGANISING THE WORK OF FREE LEGAL AID SYSTEMS

**Keywords:** Law on Free Legal Aid, non-government free legal aid system, Ministry of Justice of the Russian Federation, competent authority, citizens' rights, government free legal aid system, subjects of the Russian Federation.

**Abstract.**
Purpose of the paper: analysing the implementation of forms and methods of administrative actions of federal executive authorities and executive authorities of subjects of the Russian Federation in organising their own work as well that of other subjects related to rendering free legal aid to citizens and consideration of problems arising in this connection.

Methods of study: formal logical, comparative legal, documents content analysis, interviewing.

Results obtained: in this work, for the first time in Russian legal science, the conclusion is made that the unconditional implementation into life of government policy which provides for a need to omnilaterally and fully ensure the rights of the citizens of the Russian Federation to free legal aid, to comply with the provisions of Federal Law of the 21st of November 2011 No. 324-FZ "On Free Legal Aid in the Russian Federation" and other legal regulations, requires radically improving the activities in this field. Considerable attention is devoted to considering violations of systemic principles of setting up forward and feedback communication channels in systems rendering free legal aid to citizens. It is shown that efforts for developing a government and non-government free legal aid system taken by the government acting through the Ministry of Justice of the Russian Federation which is the competent executive authority in this field are far from being always efficient. The conclusions of the author are set forth: an insufficient development of forward and feedback communication between the Ministry of Justice of the Russian Federation and competent agencies of subjects of the Russian Federation in this field, other government agencies as well as other participants of the government and non-government free legal aid system creates significant obstacles for a more efficient implementation of the government policy and provisions of law in the area of social relations under consideration.

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# NEGATIVE CONSEQUENCES OF DISMISSAL DUE TO LOSS OF TRUST AND CONFIDENCE FOR COMMITTING A CORRUPTION DISCIPLINARY VIOLATION

**Keywords:** corruption, corruption violation, disciplinary liability, dismissal, loss of trust and confidence, combating corruption.

**Abstract.**
Purpose of the work: determining the scope of negative social consequences of dismissal by the employer of the employee who has committed a corruption violation, due to loss of trust and confidence in the employee.

Method of study: dialectical materialism and general scientific methods of cognition based on it.

Results obtained: in this work, for the first time in Russian legal science, negative social consequences caused by dismissal by the employer of the employee due to loss of trust and confidence in him/her for committing a corruption disciplinary violation are studied. The main negative social consequences related to restrictions of rights of the dismissed employee are expounded in detail. These restrictions include the following rights: (a) to receive lump sum payments, (b) to be awarded institutional and regional awards and decorations, (c) to carry out independent anti-corruption assessments, (d) a temporary restriction of the right to work in certain spheres of activity, as well as a deprivation of institutional and regional awards and decorations.

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# LEGAL FORECASTING AS A COMPONENT OF STRATEGIC PLANNING FOR THE PURPOSES OF DEVELOPMENT OF INFORMATION TECHNOLOGY LAW

**Keywords:** information technologies, information security, legal support, digital space, digital economy, big data, artificial intelligence, Internet of Things.

**Abstract.**
Purpose of the paper: studying issues of legal forecasting and its significance for the development of strategic planning in the system of legal support for information security under the conditions of digital transformation, development of information technologies in the conditions of digital economy, process of securing of digital rights, digitalisation of legal relations, development of artificial intelligence and Internet of Things, and related risks, challenges, and threats to information security.

Method of study: the basis is formed by the dialectical materialist approach to explaining the essence of legal forecasting as well as by the general scientific method of analysis which allowed to study federal normative legal foundations and programme and strategic documents in the sphere of legal forecasting.

Results obtained: based on the analysis of forming of the system of documents of strategic planning and national projects in the digital sphere, the authors justify the conclusion about the topicality of legal forecasting of legal regulation of legal relations related to ensuring information security at the modern stage of development of the information society. The conclusion is also justified that the absence of systemic legal forecasting in the sphere of information technologies and information technology law can lead to a degradation of quality of the regulatory medium on the whole as well as reduce the efficiency of using new technologies and services by natural and legal persons.

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# DIGITAL RIGHTS AND LAW ENFORCEMENT

**Keywords:** digital rights, objects of civil circulation, subjects of civil circulation, digital civil circulation, industrial property, artificial intelligence.

**Abstract.** The paper considers the novelties of civil law on digital rights as new objects of civil law regulation, their impact on the formation of digital civil circulation. The author considers digital property rights as the basis for forming new legal property relations within the framework of formation of the modern digital economy. The process of digital transformation forms new legal institutions, a new configuration of social relations based on the use of the possibilities of digital technologies. Current judicial practice in cases of digital property is also analysed in the paper. The author comes to the conclusion about a new paradigm of development of law which consists in the use of digital technologies with a view to optimise legal regulation as well as to form the digital civil circulation.

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# TRANSITION TO A NEW PARADIGM OF SPECIAL INVESTIGATIVE ACTIVITIES AS A NECESSARY CONDITION FOR INCREASING THE EFFICIENCY OF COMBATING ORGANISED CRIME

**Keywords:** improving legal regulation, paradigm of special investigative activities, special investigation methods in combating organised crime.

**Abstract.** The purpose of the paper is to justify the need for a transition from the traditional approach to combating organised crime by means of improving the legal regulation of special investigative activities when detective work ensures investigation of crimes committed by criminal communities, to a new paradigm based on international and foreign experience when special investigative activities act as special methods of investigation.

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# USING THE RESULTS OF SPECIAL INVESTIGATIVE ACTIVITIES: HISTORY, PRESENT STATE AND PROMISING DIRECTIONS FOR IMPROVING THE LAWS

**Keywords:** special investigative activities, using the results of special investigative activities, combating corruption, prosecutor.

**Abstract.** An analysis of legal regulation of using the results of special investigative activities, of archive and current institutional legal regulations on the procedure of submitting the results of special investigative activities to an investigation body, investigator, prosecutor, tax authority, and to the court is given in the paper. Ways to improve these activities, as regards furnishing the results of special investigative activities for the prosecutor in charge of overseeing the execution of laws on combating corruption, are identified.

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# IMPROVING CRIMINAL LAW PROHIBITION IN THE SPHERE OF OBSERVANCE OF CONSTITUTIONAL RIGHTS

**Keywords:** laws, criminal liability, social causality of legal prohibition, juridification, criminalisation and decriminalisation, protection of rights and freedoms of man and of the citizen.

**Abstract.**
Purpose of the work: studying issues of improving criminal laws as regards determining measures of reducing the penal content of punishment for violations of criminal law prohibition.

Methods used: systemic legal and comparative law analysis of results of research conducted by other authors on issues of improving criminal laws.

Results obtained: the authors justify a need to distinguish between different types of liability in constructing legal norms, considering special features of branch-specific regulation. From the standpoint of jurudufication, the sufficiency of ensuring government protection of human rights from unlawful encroachments by means of the whole repertoire of norms of different branches of law taking into account the nature of the violation and interrelation of branches is considered. The "redundancy" of legal regulation as an obstacle to the effectiveness of law-making activities is evaluated.

Conclusions: based on the analysis carried out, the authors put forward proposals aimed at studying issues of social causality of certain preventive measures and existing legal prohibitions.

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# FEATURES OF TAKING POSSESSION OF OTHERS' PROPERTY USING THREATS BY VIOLENCE OF NON-SPECIFIC NATURE: PROBLEMS OF QUALIFICATION

**Keywords:** degree of danger of violence, degree of danger of threat, subjective perception, qualification, violent robbery, dangerous robbery, objective circumstances, subjective circumstances, differentiation.

**Abstract.** Problems of law enforcement as regards threats by violence of non-specific nature are analysed in the paper. The understanding of the recommendation of the Supreme Court of the Russian Federation regarding this attribute of violence in paragraph 21 of the Resolution of Plenum No. 29 "On Court Practice in Cases of Theft, Robbery, Dangerous Robbery" by law enforcement authorities is not unambiguous, therefore it is deemed rather difficult to implement the recommendations of the highest judicial authority. In order to achieve her goal, the author places special emphasis on the analysis of relevant court practice indicating a lack of uniformity in the understanding of the non-specific form of threat by violence. A justification of the need to study the presented problem is found by the author in the existing difference in the positions of courts when qualifying the threat by violence of non-specific nature.

The examples of qualifying the relevant threat given by the author reveal the same ambiguous correlation of the qualification with the criminal law doctrine. The position of the doctrine is sometimes different from the position taken by the highest judicial authority which is also emphasised by the author.

The author uses comparative analysis for studying the attributes allowing to determine the degree of danger of the threat by violence, special attention being given to the analysis of a differentiating attribute: subjective perception of the threat by the victim, and taking it into consideration in court practice. After studying the doctrinal understanding of the problem outlined in the paper as well as the ambiguity of related law enforcement, the author makes the conclusion about the need of a uniform application of criminal law concerning the liability for violent encroachments on others' property.

Based on the study carried out, the author puts forward the proposal: in qualifying the threat by violence and determining the degree of its danger, consideration should be taken of the objective circumstances in combination with the subjective attitude to the violent actions on the part of the perpetrator.

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