

ABSTRACTS AND KEYWORDS

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THE COMPREHENSIVE THEORY OF COGNITION OF LAW

Keywords: philosophy, philosophy of law, law, theory of state and law.

Abstract. The goal of this paper is to further familiarise the readers with the comprehensive theory of cognition of law developed by the authors. The method used is the dialectic method of cognition.

Conclusion: the main point of the approach proposed by the authors consists, as they see it, in a strictly objective, deidealised and deideologised cognition of law, allowing no single concept to become dominant. The more objectively law is assessed as a complex, contradictory, multifaceted social phenomenon, the more thoroughly its contradictions and shortcomings, strong and weak sides, capabilities and their limits, etc., are discovered and studied, the sooner the cognition of law is achieved.

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AN ACADEMIC WORK OF SAINT-PETERSBURG LEGAL SCHOLARS FROM THE PERSPECTIVE OF THE SOVEREIGN PHILOSOPHY OF LAW

Keywords: law, philosophy, traditions, method, legal ideology, legal policy, the comprehensive theory of law.

Abstract. National sovereignty is impossible if the legal system is based on the principles of a borrowed philosophy of law. Working out approaches to solve the problem of developing a sovereign philosophy of law, the authors of the reviewed monograph are looking for ways to actualise the classical philosophy considered by them as the theoretical foundation which alone is commensurate with the Russian traditionalism in the area of moral and legal values. In this context, an interesting and pithy analysis of the most critical and under-investigated issues and problems of modern legal science is given and new arguments in favour of the comprehensive theory of law are put forward.

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**“SOVEREIGN’S HONOUR” OR LEGAL MECHANISMS FOR PROTECTION
OF PUBLIC AUTHORITY: HISTORY AND THE PRESENT**

Keywords: Sobornoye Ulozheniye legal code, constitutionally protected values, legal balance, principle of proportionality, public authority, president, sovereignty, legal title, insignia, dissemination of information, contempt of power, insult.

Abstract. The common nature of legal regulation mechanisms ensuring protection of public authority and its individual institutions in modern Russia is illustrated by a number of provisions of 1649 Sobornoye Ulozheniye code. A comparative analysis of provisions of public law of the 17th century and those of modern laws allows to speak about a single legal basis: the legal title determining the source of origin of a right. The title, while not being an independent right, ensures protection of the public person personalising its bearer, i. e. head of state. The paper demonstrates the interbranch nature of legal mechanisms ensuring the protection of the bearer of legal title by the provisions of public and private law as well as modern technological means of legal protection of constitutionally protected values.

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PRINCIPLES OF LEGAL MONITORING OF INSTITUTIONS OF THE STATE

Keywords: legal monitoring, institution of the state, law enforcement monitoring, principle.

Abstract. The paper is devoted to studying principles of an independent type of legal monitoring, to wit, legal monitoring of institutions of the state. The principles of legal monitoring of institutions of the state are considered in three aspects (normative, doctrinal, and applied) based on an analysis of laws, scholarly sources and practice of monitoring studies. The principles of legal monitoring of institutions of the state are classified into three groups: general, special and private ones. The general principles that are characteristic of the entire legal monitoring system, including monitoring of legal regulations and law enforcement practice, legal monitoring of institutions of the state, include the principles of objectivity, legality, publicity, planned nature, scientific character, informational comprehensiveness, and equippedness. It is proposed to consider the basic fundamentals of monitoring activities carried out in relation to a separate group of institutions of the state as special principles, and principles characteristic only for monitoring activities carried out in relation to a specific institution of the state and resulting from the features of a specific object of monitoring are to be considered as private principles of legal monitoring of institutions of the state.

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ON FORMALISING THE USE OF THE LEGAL DOCTRINE OF “LIFTING THE CORPORATE VEIL”

Keywords: court, corporate veil, doctrine, Russia, legislation, judicial practice, reach-through liability, general personal liability of the shareholder, formalisation, expert assessment, hierarchy analysis method.

Abstract.

Purpose of the work: analysing the development of the doctrine of “lifting the corporate veil”, studying the use of this doctrine in Russian law and judicial practice as well as the possibility of using mathematical methods to algorithmise the use of this doctrine. The study of the legal nature, laws of development and existence of the doctrine of “lifting the corporate veil” in the Russian Federation seems theoretically interesting and practically significant in the light of borrowing its elements from the Anglo-Saxon legal family which is fundamentally different from the domestic one.

The issues of “lifting the corporate veil” can be with certainty included in the category of modern trends both within the Russian and international legal community. The use of this doctrine is difficult, since lawyers, as a rule, have to implement it against the background of numerous factors that impede a clear assessment of the circumstances of the case, as well as due to the lack of a standard method for the development of which it is proposed in the paper to formalise this procedure using a mathematical model.

Methods of study: the formal juridical method, synthesis, analysis, and methods of mathematical modeling.

Results obtained: the study showed that the practice of using this doctrine in Russia is still scarce, especially against the background of well-established foreign concepts, for example, the British practice. In modern legal reality, courts in the Russian Federation rely on the methods of protection established in the current laws with an eye to the doctrine under study. The liability of persons controlling the company under Russian law is based on the civil law rule on abuse of law.

Borrowing the Anglo-American experience of using the doctrine bears the risk of undermining the foundations of our corporate law, however, in recent years, excessive flatness is being replaced by a careful reception of foreign experience in the system of the current Russian legislation, with allowance for Russian legal terminology and business practice.

The proposed formal mathematical method smooths out subjective expert estimates and allows to work out a coordinated decision on using the doctrine of “lifting the corporate veil”.

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IMPLEMENTATION OF LIABILITY FOR ABUSING THE RIGHT TO EXPRESSION AND THE FREEDOM OF ASSEMBLY AND ASSOCIATION

Keywords: organisation of a public event, abuse of the right to expression, protest actions, destabilisation of the domestic political situation, intervention in the domestic affairs, breach of public order.

Abstract.

Purpose of this work: developing of proposals for improving the mechanism of criminal law regulation in the field of implementation of the right to expression and freedom of assembly and association.

Method of study: analysis and synthesis, dynamic and statistical methods of studying the practice of administrative prosecution for committing administrative offences provided for in Article 20.2 of the Administrative Offences Code of the Russian Federation and offences provided for in Article 212.1 of the Criminal Code of the Russian Federation, study of documents.

Results obtained: an analysis of theoretical and practical issues of implementation of rights and freedoms of citizens to free expression and peaceful assembly (without weapons) safeguarded by the Constitution of the Russian Federation and basic international legal acts is carried out in the paper. Fine points of the criminal law prohibition on violation of the established procedure of organising or holding meetings, rallies, demonstrations, marches or picketing (Article 212.1 of the Criminal Code of the Russian Federation) are considered. The main stances taken by the Constitutional Court of the Russian Federation on significant amendments to the law enforcement practice of criminal prosecution in criminal cases on abusing the right to expression and freedom of assembly and association are expounded on.

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MONITORING ELECTION LAWS: A TREND FOR RESTRICTING THE ELECTORAL RIGHTS OF CITIZENS

Keywords: restrictions of electoral rights, proportionality of restriction of electoral rights, active and passive electoral right, proportional election system, elections.

Abstract.

Purpose of the paper: justifying the hypothesis that there is a trend in law-making for disproportionate restrictions of the electoral rights of citizens.

Method of study: general scientific methods of cognition (the dialectical method, analysis and synthesis, et al.) as well as the sociological, historical, comparative legal, formal legal method and others.

As a result of analysing the changes made to the electoral laws over the period between 1993 and 2019 the author comes to the conclusion that there exists a general trend to restrict the active and passive suffrage of citizens which manifests itself in the following: abolition of direct elections of members of the Federation Council of the Federal Assembly of the Russian Federation; restricting direct elections of heads of the subjects of the Russian Federation; dominance of the proportional election system at all levels of elections to public authorities and local self-government bodies; replacing direct elections of heads of municipal formations by the population with election by a representative body; restricting the active right of election of conscript military personnel to local self-government bodies; restricting the passive right of election of citizens who have a second nationality or a residence permit in a foreign country as well as persons who have accounts and deposits in foreign banks located outside the territory of Russia; imposing additional restrictions on convicted persons having unexpunged or outstanding convictions for certain offences as well as persons subjected to administrative punishment for committing administrative offences of extremist nature, etc.

The author comes to the conclusion that restrictions on the active and passive suffrage should be established only by a constitutional ruling (act). The stance taken by the Constitutional Court of the Russian Federation on the issues of restricting the suffrage of citizens appears to the author to be ambiguous and contradictory.

The proposed conclusions can be used for improving the Russian laws and law enforcement practice.

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SMALL CITIES OF RUSSIA: AN INTEGRATIVE MONITORING OF DEVELOPMENT. PART 1

Keywords: small city, economic development, human capital, urban environment, social infrastructure, integrative monitoring.

Abstract.

Purpose of the paper (in two parts): studying the development problems of small cities of Russia, harmonisation of the urban space and the functioning of the social and economic system of the small city, implementation of small city development strategies considering the views of different actors: authorities, business community, unions, associations, trade unions, NGOs, educational institutions, solidarity groups and individual citizens, as well as continual scientific support for the strategies at all implementation stages and continuous monitoring of the effectiveness of the measures carried out.

Method of study: statistical analysis and sociological surveys. The information background of the paper is based on all-Russian statistical data and data derived from sociological surveys conducted in 16 small cities of 8 regions of Russia.

The obtained results are formulated as analytical provisions and proposals for defining the small city development strategies laying down the development priorities worked out jointly by all stakeholders for this given small city, ensuring its competitiveness in the short, medium and long term in the following areas: securing economic development, human capital development, investment climate improvement, urban infrastructure development, improving the efficiency of municipal administration, agglomeration integration.

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**PROBLEMS OF DEVELOPMENT OF SMALL CITIES OF RUSSIA:
THE PRACTICE OF IMPLEMENTING REGIONAL STRATEGIES**

Keywords: local self-government bodies, small cities, delineation of authority, management model, city manager, budget imbalance, tax policy, sociological study, expert opinion.

Abstract. Features of local self-government in small cities of Russia in the course of recent reforms of local authorities related to the implementation of Federal Law No. 131-FZ are considered in this paper based on the results of an integrative sociological study. Special attention is given to analysing experts' interviews which allow to confirm the conclusion that changes in the organisational forms of local self-government, aggregation of municipal formations, transition to the 'city manager' model, and competition management model don't always meet the needs of local communities. Also considered in the paper is the issue of problems related to delineation of authority as well as those in inter-budgetary relations, in particular, related to the practical implementation of Federal Law No. 131-FZ (Article 52, "Local Budgets"), tax policy which has a strong impact on the development of small cities.
