

CRIMINAL LAW AND CRIMINOLOGY

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IMPORTANCE OF TACTICAL TRICKS FOR PROVING PROCESS IN CRIMINAL CASE

This article is dedicated to research criminalistics tactics' importance, particular tactical tricks for proving process in criminal case. It is impossible to emphasize some tactical tricks, overlaps with separate elements of proving process, it must be universal, and so it is able to apply that tricks many times with elements of proving process. Logic of construction version and proving logic are based on such logical methods of information's adaptation: analysis, synthesis, induction and deduction conclusion, analogy, etc. Also, tactical tricks, based on human behavior psychology are considered: establish contact with interrogated person, psychological pressure on participants of trial, etc.

Organizational tactical tricks on the one hand, guarantee importance of apply logical and psychological tactical tricks in the investigation, but on another have self importance. Solution the problem of correlation investigator's and attorney's tactic is very important for proving process, because there two are the most active participants of proving process in criminal case proceedings.

Key words: *proof theory, criminalistics tactic, tactical trick, classification of criminal tricks, subject of proving.*

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ATTEMPTS OF CONVERGENCE IN A FIELD OF REGULATION EXECUTION IN CRIMINAL CASES WITH JUVENILE

This article is dedicated to definition of legal convergence and role it in possibility introduction in regulation sphere of criminal cases execution with juvenile. International documents, directed on protection rights and legal interest children and juvenile, allow fixing some rules establishing additional rights guaranties of under-age person and his legal representative. However, it is not enough to consider about juvenile justice. Criminal cases execution with juvenile not perceives convergence process by different grounds. In this article is shown attempts such convergence and made a conclusion that legal system of Russian Federation, legal culture and low social-educated level of juvenile contain process of convergence for contemporary period of society developing.

Key words: *criminal proceedings with juvenile, legal convergence, international legal documents, legal culture, juvenile technologies.*

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ILLEGAL HUNTING, DONE USING OFFICIAL POSITION: QUALIFICATION QUESTIONS

The article deals with the problematic aspects of the qualification of illegal hunting, perfect person using official position. On the basis of an analysis of the current legislation and judicial practice, the author substantiates the conclusion that imputation for a perpetrator of the indicia is necessary that the perpetrator was aware of the fact that it uses his position to facilitate the Commission of a crime and were willing to do so.

Key words: criminal-legal protection of wild animals, the use of official position, illegal hunting.

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ON THE QUESTION OF THE INTERACTION OF BODIES CARRYING OUT SECURITY PROTECTION MEASURES THE AUTHORITIES TAKING THE DECISION TO APPLY MEASURES OF STATE PROTECTION

The article deals with the interaction of bodies carrying out security measures with the authorities taking the decision to apply measures of state protection. The content of the work complements the scientific and legal basis of the security institution of the person in the field of criminal procedure; it can be used in further investigations related to the development of the analyzed problems. Aim of the study is to develop and construct a unified approach to the organization of interaction authorities taking the decision to apply measures of state protection. This article is intended for researchers, teachers, students in all areas of legal profile, as well as practitioners of law enforcement.

Key words: state protection, participants in criminal proceedings, a unit of the security of persons subject to state protection, victims, witnesses, illegal activity, justice.

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TO THE INTRODUCTION OF THE CONCEPT "CORRUPTION OFFENSES" IN THE CRIMINAL LAW

The urgency of the problems arising in the process of formation of state policy of the Russian Federation for countering corruption, closely linked, including with the development of the criminal law framework for combating corruption. Given the differing views of scientists and practitioners in the article proves the necessity of introducing the criminal law concept of "corruption crime." The Russian government should establish new ways, means, forms and methods of using the positive experience of the international law-making, as well as the practice of some foreign countries have achieved significant progress in this direction.

Key words: *corruption, the state anti-corruption policy, corruption phenomenon, the crime of corruption, corruption crime, officials, illicit enrichment, trading in influence to the active and passive bribery.*

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CRIMINAL LAW MEASURES TO COMBAT CORRUPTION IN THE CONTEXT OF PUBLIC SECURITY

The article discusses specific legal and criminal aspects of corruption crimes, as well as measures toughening the criminal responsibility and punishment of the crime of corruption. "The Strategy of National Security of the Russian Federation up to the year 2020" acknowledges corruption one of systemic threats to national security. In such circumstances, criminal corruption prevention policy would improve the rules on liability for corruption offences. The reality is that, in addition to the measures of an institutional nature, would be tightening of criminal responsibility and punishment of the crime of corruption under the criminal law of the Russian Federation. The proposals made by the authors, referred to many of the provisions of the criminal law, which may be taken into account in the legislative process for the improvement of criminal legislation on liability for corruption offences.

Key words: *corruption, corruption crime, anti-corruption mechanism, UN Convention against corruption, bribery, corruption, crime, mercenary and (or) other personal interest, qualifications, punishment, criminal liability.*

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FEATURES OF BLANKET DISPOSITIONS OF ARTICLE 258.1 OF THE CRIMINAL CODE OF THE RUSSIAN FEDERATION: PROBLEMS OF INTERPRETATION AND QUALIFICATION

The article deals with issues of interpretation of the basic trait of an objective party a crime under art. 258.1 CC, characterizing the illegality of extraction and trafficking of particularly valuable wildlife and aquatic biological resources listed in the Red data book of the Russian Federation. The author substantiates the conclusion that the interpretation of the unbiased indicator hand should be based on a comprehensive analysis of environmental legislation, aimed at protecting these subjects of the animal world. The study made proposals to improve the current wording of art. 258.1 the CCRF.

Key words: *criminal-legal protection, wild animals, aquatic biological resources, blanket area, an objective party.*

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THEORETICAL ASPECTS OF INITIAL INVESTIGATION OF SITUATIONS FRAUD INVESTIGATION IN THE FIELD OF HOUSING AND LEGAL RELATIONS

The object of the research of the author are typical investigative situations at the initial stage of investigation of crimes. The subject of the research is the content of the criminalistic concept. The author reveals the notion of typical investigative situations from a position of fraud investigation in the sphere of housing legal relations, proposes to classify the investigation of the situation, relying on a combination of factors that determine the process of investigation of criminal cases of this category, in particular the situation of the crime, initial information about its participants.

Key words: *fraud in the sphere of housing legal relationship, typical investigative situations of enquiry, investigation, criminal, criminalistics, initial stage.*

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PROBLEMS OF LEGISLATIVE REGULATION OF CRIMINAL-PROCEEDINGS FORMS

This article is dedicated to base problems link with normative fixing in criminal-proceedings law differentiation proceedings forms criminal cases proceedings: correlation such form with common form of criminal case proceedings; infringement rules of legislative techniques with formulation a new form. Author believes that the main reasons of infringement correlation differentiation proceedings forms with common form of criminal case proceedings are: absence planned construction and introduction of a new criminal-proceedings forms; retardation of common Russian's Criminal-procedure code rules from modern requests of realizations new forms criminal proceedings. Legislator should not just observe rules and methods of legislation technique, but also pay attention on right organization legislation technique itself. Examples of problems questions are shown on base of analysis specific differentiation proceedings forms.

Key words: *differentiation of criminal-proceedings form, general criminal-proceedings form, legal regulation, rules of legislation technique.*

INTERNATIONAL RELATIONSHIPS AND NATIONAL SECURITY

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CONJUGATION OF EUROPEAN LAW AND EUROPEAN VALUES

The article considers the problem associated with the expansion in the European legal framework of human values influence on the formation and development of the principles of law and the state of mass sense of justice. European values are one of the most important integrative foundations of economic and political unification of the continent. It should make no discordance between not only of European law and European values, but also the rights of the European Union. In this area, there are new risks caused by the active process of European integration.

Key words: *European law, European values, integration, the European Union.*

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SUCCESSION OF STATES ON THE TERRITORY OF CIS COUNTRIES: VALUE-THE POLITICAL DIMENSION

The problem of the succession of States on the territory of CIS countries reviewed in the value-political aspect is very important to understand the policies of the current Russian leadership. The article mostly talks about succession in Russia the previous subjects of international law. The author, followed by A.M. Zalizian, specifies that "succession of States" does not arise as a result of legal conflicts, and as a reflection of the actual state of affairs. According to the author, the key to solving the problem of succession of Russia to revise its State symbols. The analysis revealed that the current Russian coat of arms expresses the idea of a succession of dopetrovskomu State, that is Russia without most of the territories of the former Soviet republics. At the same time, unlike RSFSR and the USSR, Russia declared itself the successor of the previous subject of international law — the Soviet Union. The author

concludes that deleting bicentennial "Petersburg" period of political biographies of the country turned out advantageously as Russian Eltsin's leadership, and, increasingly, Western military-political bloc, headed by the United States. After coming to power, President Vladimir Putin emerged a chance to revise the succession of Russia expressed in State symbols. However, it was decided to use the opportunity of the post-Soviet consolidation. Unfortunately, this model proved ineffective, only increasing disintegration processes in the CIS.

Key words: succession of States, international law, domestic law, State sovereignty, State symbols of Russia, personality, political axiology.

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DIASPORA STRUCTURES HOW RIGHT THE POST-SOVIET PEOPLES TO SELF-DETERMINATION

Focusing on safeguarding the peoples of the world and the establishment of fraternal relations between them, globalization agenda relies not on the virtually-abstract theories, but on actually abiding by the rules of international law, receiving its development and in the Russian legislation enshrining the right of peoples to self-determination. This right has a direct legal reflection in the preamble to the Constitution of the Russian Federation as a generally accepted principle that means be bound by its provision of all peoples without exception. This article explores diaspora in Russia as sociocultural institutions, implement the right post-Soviet peoples to self-determination.

Key words: law, self-determination, international law, Constitution, diaspora structures, the post-Soviet people, political reality.

CONSTITUTIONAL RIGHT AND MUNICIPAL LAW

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CONSTITUTIONAL AND LEGAL FRAMEWORK SOCIO-ECONOMIC DEVELOPMENT OF THE REPUBLIC OF BASHKORTOSTAN UP TO THE YEAR 2030

The results of comparative analysis of socio-economic development, analyzed conceptual and legal bases of innovative activity, classified constitutional-legal basis of socio-economic development, formulated the conclusions and suggestions on improvement of legislation.

Key words: constitutional and legal framework, modernization of economy, innovative economy, integration of economy, sustainable development, legislative reform, innovation, knowledge-intensive technology, the globalization of the world economy.

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POWERS OF LOCAL GOVERNMENT IN THE CONTROL SYSTEM OF THE LAND OF THE MUNICIPALITY

The article considers the system of land administration of the municipal formation, our analysis has determined that in the structure of land the largest share falls on agricultural land; types of ownership much of the land is in state or municipal ownership. Identified problems in the land administration system: the incompleteness of registration of ownership rights on the land; not a perfect software "System of property"; the lack of specialists in the rural councils, registration of land resources, etc. Proposed the establishment of a coordinating management Council land and property resources of the municipality.

Key words: the system of land administration, municipal formation, powers of local authorities, in the use of land, legal status of lands of state and municipal property, lease contract, rules of land use and development.

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STAGE OF THE BUDGET PROCESS IN THE RUSSIAN FEDERATION: CONCEPT AND FEATURES

The article examines the nature and content of the budget process in Russia, its stage, the analysis of the current legal regulation, assessed the latest developments in the budget legislation.

Key words: *budgeting, stages of the budget process, budget legislation, fiscal policies.*

CIVIL LAW

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ON THE ESPECIALLY CONSIDERING THE FIRST PART OF APPLICATIONS FOR PARTICIPATION IN THE ELECTRONIC AUCTION

This article discusses the requirements for the first part of applications for participation in the electronic auction and their specific application in the Russian reality. The aim of study was to investigate the practical issues of application of the Federal Law № 44-FZ dated 05.04.2013, with the consideration of the first parts of the applications for participation in the electronic auction. Based on jurisprudence and the practical situations of recommendations on registration applications were made by the participants in order to avoid deviations in considering the first part of applications for participation in the electronic auction.

Key words: contract, application, e-auction items, party purchases.

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THE ISSUE OF THE CONTRACT'S FREEDOM IN THE INTERNET

The article is about aspects of the legal relations between internet services and its users, problems of copyrights, storing personal data and ensure the confidentiality. Today internet services got a much more rights for the user's data, than they actually needed for execute their obligations. Author advances new term — "piracy of contract's freedom", which describe the current state of affairs in this area of public relations. Also in this article expressed the opinion about needing of restrictions for this constitutional principle for the Internet.

Key words: contract's freedom, Internet, public relations, personal data, piracy, privacy, public contracts, confidentiality, copyrights, abuse of right.

SOCIAL STATE AND PROTECTION OF HUMAN RIGHTS

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HISTORICAL ASPECTS OF FORMATION OF LEGISLATION IN THE FIELD OF SOCIAL HUMAN RIGHTS: XIX–XXI CENTURIES

Article acquaints readers with the historical aspect of the formation of legislation in the field of social human rights in the XIX–XXI centuries, and with the complex problems related to the understanding of the welfare state. These laws were adopted to maintain the standard of living of the population and preventing social conflict. The pinnacle of modern legislative recognition of socio-economic rights was the international Covenant on economic, social and cultural rights, which is part of the International bill of human rights.

Key words: *human rights, social protection, social policy, social security, socialist, socialistic, social-reformism, society, social value.*

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THE CONCEPTS OF THE FUTURE OF SOCIAL FUNCTION OF THE RUSSIAN STATE

The article discusses approaches to the social functions of the state, as well as to such related phenomena as a welfare state and social rights contained in modern concepts of the future state belonging to liberal, conservative (including Orthodox and Eurasian), nationalist, socialist approaches. Subject of research — the social function of the state in the future. The object of study — the modern concepts of the future state. Goal and objectives of the study: to identify, analyze and describe a vision of the future social state functions in some contemporary concepts of the future state. In result the conclusions about the peculiarities of the perceptions of social functions of the state by authors who hold different ideological views on the future of the state are made. The article first summarizes the vision for the future of the social function of the State.

Key words: *social function, social rights, welfare state, future, state, concepts, liberalism, conservatism, social democracy, labor, pensions.*

POLITICAL AND LEGAL CULTURE AND IDEOLOGY

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BETWEEN THE RIGHT AND TRUE

Part I

STATE NATIONAL POLICY OF THE RUSSIAN EMPIRE

The 20th century began with the tightening of the national policy of the Russian Empire. That manifested itself in preventing foreigners in the State Duma and the Organization of Jewish pogroms. Political decisions themselves in the area were sometimes contradictory, correlated between the imperial law and social justice. This article examines the characteristics of the implementation of the national policy of the time to be taken into account today.

Key words: national policy, Russian empire, right, true, region, political expediency, social justice, mentality, Universum.

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BETWEEN THE RIGHT AND TRUE

Part II

STATE NATIONAL POLICY OF THE USSR

The Soviet Union can be confidently attributed to the State with a special type of national policies with all the ensuing consequences: international friendship, special process of national identity and, finally, the formation of collective supranational Community ("Soviet man"). That is why the Soviet formula of national policies should be the subject of scientific debate and analysis. But where did it all start? In General, it should be noted that the vector of the national policy of the USSR was laid in a political dispute over two prominent leaders of the Soviet system — V.I. Lenin and J.V. Stalin. This article analyses some features of institutionalization of national policies in the country of the Soviets.

Key words: national policy, the national question, right, true, USSR, political discourse, unity, integrity, federalism.

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POLITICAL LOBBYING IN LEGISLATIVE ACTIVITY

In this work, author analyzes the problem of lobbying in the legislative process, differentiation of corruption and lobbying, formation of Institute of lobbying in the political system of the Republic of Tajikistan.

Key words: *lobbying, corruption, models of lobbying, a conflict of interest, legislative activity, civil society.*

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THE LEGAL BASIS OF SELECTION INSTITUTE OF REGIONAL POLITICAL LEADERSHIP AT THE INDEPENDENT LEVEL OF POWER

The article is dedicated to legal fundamentals of political leadership level in present-day Russia. The author suggest extending conventional classification of political leadership levels by including “regional political leadership” level. Suggestion is based on the Russian Federation Constitution provisions related to the state’s federal structure, separations of powers between the federal center and the subjects of the Russian Federation, execution of their own legal regulation by the regions.

Key words: *Constitution of the Russian Federation, political leadership, political leadership levels, regional political leadership, political leader functions.*