ABSTRACTS

PROBLEMS OF THE PUBLIC LAW

P. 5. Agafonova Anastasia A. REALIZATION OF THE PRINCIPLE OF SECULARITY IN RUSSIA: PRESENT SITUATION AND PROSPECTS FOR DEVELOPMENT. At present researchers consider the character of realization of the principle of secularity differently. However, the opinion about the increasing influence of “traditional” religious associations on state policy and clericalization of government institutions is expressed more often.

Key word: secular state, confessional policy, religious associations.

P. 12. Ayupov Vladimir S. CONTENT OF THE SUBJECTIVE SIDE OF BRINGING TO SUICIDE (ARTICLE 110 OF THE CRIMINAL CODE OF THE RUSSIAN FEDERATION). The present article deals with such peculiarities of the subjective side of an act provided by article 110 of the Criminal Code of the Russian Federation – «Bringing to suicide» as: guilt, motive and aim. The actuality of the mentioned problem is stipulated both by the specificity of the act and the complexity of law enforcement practice because of essential multivalued and non-specific doctrinal (scientific) interpretation of article 110 of the Criminal Code of the Russian Federation. To qualify a crime precisely it is necessary to examine thoroughly, impartially and in full the inner essence of external objective features of an act and the person, who is charged with the commission of this act.

Key words: intent, suicide, crime, choice, act.

P. 17. Boltanova Elena S. CONSTRUCTION AS AN ECOLOGICALLY IMPORTANT ACTIVITY. Construction is a specific type of activity characterized by direct influence on different components of the environment. The present article deals with the problems of legal regulation of construction as a separate type of the use of nature. Construction as a way of influence on the environment is considered on the basis of the analysis of current legislation and theoretical workings out. The author comes to the conclusion that any development of land is usually transformed into the anthropogenic object of the relevant part of land surface and natural objects located on it (under it) in consequence of purposeful human activity by means of creation (reconstruction) of man-made immovable property.

Key words: construction, development, use of nature.

P. 28. Kim Dmitry V. ON THE PROBLEM OF CONCEPT AND STRUCTURE OF THE CRIMINALISTICS SITUATION. The article deals with some problems connected with the concept and structure of criminalistics situation. Taking into account present tendencies in the development of science, the author comes to the conclusion that lately further development of the theory of criminalistics situations, the main provisions of which run through all sections of Criminalistics, is of primary importance.

Key words: criminalistics situations, investigative situation, concept and notion of the situation, logical-formal structure of the situation, value - sense structure of the situation.

P. 38. Opalich Eugenia V. PROBLEMS OF IMPLEMENTATION OF INTERNATIONAL RULES OF LIABILITY FOR PIRACY IN NATIONAL CRIMINAL LAW. We can point out the following problems in the sphere of development of international and national legal rules on banning piracy: firstly, the definition of piracy provided in Article 101 of the Convention on maritime law has several drawbacks. Secondly, national Criminal Law of states neither takes into account the international-legal definition of piracy nor includes a special rule on its banning. Thirdly, uncertainty of states’ jurisdiction in the area of combating this crime presents the problem. Fourthly, Article 227 of the Criminal Code of the Russian Federation on piracy needs some finishing.

Key words: piracy, criminal liability.

P. 45. Propostin Andrey A. PROGRESSIVE SYSTEM OF EXECUTING IMPRISONMENT IN THE LIGHT OF THE CONCEPT OF CRIMINALENFORCEMENT SYSTEM. The article deals with
the progressive system of executing imprisonment under the planned reform of criminal enforcement system. Appreciating positively its role in correction of convicts and favoring the necessity of retention of the progressive system, the author finds some drawbacks in it. Both separate elements of the progressive system and their relationship are under consideration. The system is correlated with the so-called system of «social lifts».

Key words: imprisonment, progressive system, social lifts.

PROBLEMS OF THE PRIVATE LAW

P. 55. Agashev Dmitry V. ON THE PROBLEM OF FORMATION OF INSTITUTION OF TRANSACTIONS IN RUSSIAN LABOR LAW. The article deals with the research of separate theoretical and practical problems of labor transactions, the analysis and perspectives of legal regulations of this institution in Labor Law of Russia. The necessity to extend the principle of dispositivity in labor law by means of legislative securing of labor transaction as an independent and predominant element in the sectorial mechanism of legal regulation is substantiated. The problem of revision of sectorial doctrine is actualized and suggestions on the development of current labor legislation are put forward.

Key words: institution of transactions, labor transaction, invalidity and voidability of labor transaction, labor contract, collective agreement.

P. 67. Boltanova Elena S. A DEVELOPED PLOT: DEFINITION OF THE CONCEPT. Current legislation often uses the term “a developed plot” but does not disclose its content. The consideration of the category of naturally immovable property is given on the basis of the analysis of current legislation and theoretical working out. The conclusion that “a developed plot” means a plot on which or under which there are man-made objects of immovable property erected either legally or their legality has been recognized in a manner prescribed by law, resulted from the study of both legislation and theoretical provisions of jurisprudence.

Key words: construction, development, immovable property, plot.

P. 72. Lebedev Vladimir M. STRUCTURE OF AN INDIVIDUAL LABOR LEGAL RELATION. Individual labor legal relation is considered in the present article as a legal system. The author analyzes its elements, stages of development and comes to the conclusion that realization of labor legal relation in characterized by the degree of satisfaction of a specifically defined interest of a Labor law subject.

Key words: structure of a labor legal relation, legal interest, subject of labor law, correlation of public relation with the interests of its parties, factual content of an individual labor relation.

PROBLEMS OF THEORY AND HISTORY OF STATE AND LAW

P. 75. Gaag Ludmila V. IDEA OF LEGALITY IN PHILOSOPHICAL AND LEGAL VIEWS OF RUSSIAN THINKERS OF THE XI–XVII CENTURY OF CENTURIES. Works of Russian philosophers of 11–17 centuries (Ilarion, M. Grek, Z. Otensky, F. Karpov, I.S. Peresvetov, S. Polotsky, Y.Krizhanich, I. T. Pososhkov) are under analysis in the present article. Despite strong influence of divinity on formation of legal thought in medieval Russia, philosophers noted the need of implementation of the state government, regulation of public relations on the basis of and in compliance with positive, instead of divine laws and this constitutes the essential requirement of legality.

Key words: Russian philosophical and legal thought, legality, laws.