

Tataryan V. G., Magomedov B. M.

**EMERGENCE AND DEVELOPMENT OF ADMINISTRATIVE AND TORT  
LEGISLATION IN STATES-PARTICIPANTS OF THE COMMONWEALTH  
OF INDEPENDENT STATES**

*Tatarjan Vladilen*

*Gaikovich,*

*doctor of law (LLD), Professor  
of the administrative and fi-  
nancial law Department of the  
State educational institution  
of Higher vocational education  
"Russian Legal Academy of the  
Ministry of Justice of the RF",  
Professor, tataryan@inbox.ru.*

*Magomedov Bagavdin*

*Magomedovich,*

*c.j.s., Director of the North Cau-  
casus branch of the State edu-  
cational institution of Higher  
vocational education "Russian  
Legal Academy of the Ministry  
of Justice of the RF", Associate  
Professor,  
ruslan-sf@yandex.ru.*

Considering the national legislation development of the states-participants of the Commonwealth of Independent States, the authors point out common patterns of administrative and tort legislation: the presence of a basic codified Act, reflection in its rules of deep-seated changes in the life of post-Soviet society of these countries, the introduction of numerous local amendments and additions to the adopted Codes. Asserted the readiness of society to the implementation of the next phase of the reform of the administrative and tort legislation - to the division of it into the material and procedural Codes.

**Keywords:** administrative and tort legislation, the Code on Administrative Responsibility, Administrative and Procedural Code, reform of administrative and tort legislation.

Global social and economic transformations which began after the Soviet Union collapse in December 1991 in the former Soviet republics, which later joined the Commonwealth of Independent States, demanded legal stability of just emerged new social relations, radical renewal and improvement of the current, but becoming obsolete before our eyes legislation of the era of developed socialism, including tort legislation [27, 32].

This situation required the system changes of the content of a new national law in the countries of the CIS, the cardinal updating of entire array of the previous legislation, the awareness of the new role of legal phenomena in human, personality and society life as a whole [21, 25]. Agreement on the establishment of the Commonwealth of Independent States (December 1991) drew a line in the history of the Soviet Union, at the same time being the starting point in the development of new national legislation of independent states newly formed in the post-Soviet space.

Today, twenty years after the collapse of the USSR can be summed up some results of cardinal improvement of the national administrative and tort legislations of states that were included in the CIS.

Our study of the law making activity of the CIS countries' Parliaments since the mid-90's of the last century, allows us to state that in the basis for the forming of new codified acts on administrative responsibility in Uzbekistan, Kyrgyzstan, Azerbaijan, Kazakhstan and Russia was laid down the principle of joint codification of substantive and procedural norms of national administrative and tort law. In these countries the law making work on the implementation the second codification of administrative and tort legislation to the middle of the first decade of the new century as a whole has already been completed.

Currently the further improvement of the adopted codes is being implemented. Sometimes it happens with "help" of dozens of new laws, making amendments and additions, as to a substantive part of the Codes, and to procedural and executive parts. For example, to the Code on Administrative Offences of the Russian Federation within ten years since its adoption lawmakers of five convocations of the State Duma of the Federal Assembly of the Russian Federation have made to the CAO of the RF a significant number of amendments and additions in all its five sections, taking more than 200 federal laws.

In other countries of the Commonwealth (Armenia, Moldova, Tadzhikistan and Ukraine), this legislative work to mid-tens of the new century had still not been completed. In addition, as strange as it sounds, in some operating until almost the end of the first decade of this century Codes of the First Codification (Tajikistan, Moldova) were presented legal norms, in which was used terminology of Soviet socialist law period (for example, Soviet law and order, socialist legality, socialist property, Ministry of Defense of the USSR, Ministry of Internal Affairs of the USSR, etc.).

By the way, the period of the first codification of administrative responsibility norms also had been marked by a number of features which subsequently had a significant influence on the systematization procedure of the Soviet and Republican

administrative and tort legislation. Firstly, it should be noted that the basis of the Codes of the Union Republics on administrative offences consisted of administrative and tortuous norms of the Union legislation, and, above all, of the Foundations of the USSR and the Union Republics on Administrative Offences (October 1980), that caused them to be of the same type as for the structure and content [44]. Secondly, along with the Codes the acts of local Councils of people's deputies and their Executive Committees also were the legal sources of administrative responsibility that, ultimately, did not give a possibility for the Codes to become the only legislative act of the Union Republic and govern the issues of administrative responsibility. Thirdly, was carried out so-called "mixed" codification of the substantive, competent and procedural norms on administrative offences. However, once again, we underline that it is difficult to overemphasize the value of the first Codes on Administrative Offences of Union republics [29].

As has been noted above, the first codification of the norms on administrative responsibility was implemented in two stages. At the first stage, in October 1980, for the first time in the USSR were adopted Foundations of the Legislation of the USSR and the Union Republics on administrative offenses, and later in 1984-1985, that is, at the second phase on the legal basis of the above Foundations, for the first time in the Soviet Union were adopted Codes of Union republics on Administrative Offences. The adoption of the first Codes of the Union republics on Administrative Offences in the mid-80s of the last century meant not only the creation in each Union republic a single systematic legislative act on administrative responsibility, replacing dozens or even hundreds of separate acts of various significance levels, but also, what is more significant, this event meant the completion of forming the new independent branch of law - administrative and tort law [30]. For the first time was harmonized normative regulation of combating with one of the most common types of offenses - administrative offenses (misconducts), determined the basics and measures of administrative responsibility, fixed the system of administrative jurisdiction's subjects, regulated administrative-jurisdictional process and procedure of execution decisions issued on a case.

As for conceptually new administrative and tort codified acts of the CIS countries, we believe that they also have a number of features which advantageously distinguish them from the Republic Codes on Administrative Offences of the Soviet codification period.

Here are some of them: 1) the basic principal legal provisions included in the new codified acts on administrative responsibility of the CIS countries, today they meet new Constitutions of the CIS countries and have been brought into conformity

with the generally recognized rules of international law; 2) the national legislators of the CIS countries in the development the major institutions of administrative and tort law abandoned outdated norms of Soviet socialist law; 3) a certain part of innovations included in the general, competent and procedural parts of the new codes, “saw the light” thanks to modern achievements in the theory of national tort law of the CIS countries (criminal and civil); 4) at the same time, the developers of these codified acts found it possible to retain in the new Codes the norms which had positively recommend themselves in law enforcement activities of the bodies of administrative jurisdiction; 5) when structuring the content of chapters of Especial (Special) part of the new codes, the parliamentarians from the CIS countries took into account the overriding priority – the priority of the constitutional protection of the rights and freedoms of an individual in the first place, and then the society and the state.

Development and adoption in the CIS countries of the new codified acts on administrative responsibility was due to the profound changes in the lives of post-Soviet society in these countries, which were reflected in the new constitutions, adopted in all CIS countries by the mid 90’s of the last century.

The new Constitutions of the Commonwealth countries for the first time in their history proclaimed the priority of the rights and freedoms of man and citizen as the highest social value. The stage of an initial cardinal reform of national legislation in the Commonwealth countries was characterized by carrying out a significant amount of the codification work [7, 10]. For example, in the Republic of Belarus this work had already been begun in accordance with the decision of the Presidium of the Supreme Soviet of the Republic of Belarus No. 3777-XII from May 30, 1995 “On the Organization of Temporary Creative Team for Drafting the Project of Civil, Civil Procedural, Criminal, Criminal Procedural, Administrative Procedural Code and Code on Administrative Offences” [6].

In Russia, the issue of drafting the projects of two separate codified administrative and tort acts, in which would be separately systematized substantive and procedural norms, unfortunately, was removed at the initial stage of development the project of conceptually new Code on Administrative Offences of the Russian Federation [9, 11; 24, 28, 31].

In contrast, in some CIS countries in the late 90’s at the national level, it was decided to start the development of a new national administrative legislation. So in particular, in Turkmenistan had been developed and adopted the Program of legislative support for reforms and transformations suggested by the first President of Turkmenistan Saparmurat Turkmenbashi. This program included “scientifically

reasoned ideas and practical recommendations of the Head of the state on issues of state-building, rule of law and legality, development of economic and social sphere, further strengthening the high authority that is enjoyed by independent neutral Turkmenistan in the international political arena”.

In the second section of that program was included part 2, called “Forming the legal basis for court proceedings. Codification of criminal executive legislation. Development of the new administrative legislation”. It is here was fixed a historic decision to establish conceptually new national administrative and tort legislation of independent Turkmenistan, “which will be formed on a fundamentally new legal scheme, involving the preparation of two separate and at the same time related laws – the Code on Administrative Responsibility and Administrative Procedural Code”. Next in the Program of legislative support of reforms and transformations of Turkmenistan was noted that “in contrast to the current Code on Administrative Offences, which includes both the norms of substantive and procedural law, the new system of administrative legislation would allow more specifically and fully enshrine structures of administrative offences, determine the penalties commensurate with the nature of illegal actions, and provide for in a separate law clear administrative legal procedures and order for execution the decisions of competent state bodies and officials”. [7] But for the sake of Justice it should be noted that in Turkmenistan have not yet been adopted conceptually new administrative and tort codified acts which were planned in the above mentioned program. We hope that this legislative work is ongoing.

By the way, in 2009, in the Republic of Kazakhstan has been decided to prepare drafts of two codified acts of the same names. However, the work of Kazakh legislators so far also has not yet been completed. We believe this is due to the cardinal reformation of valid from the late 90’s of the last century new national criminal, criminal procedural and criminal executive legislation of independent Kazakhstan.

Formation of a constitutional state, a new socio-economic structure, which has been enshrined in the constitutions of the CIS countries, determined the need to find ways of effective protection by administrative and legal means of new “market” public relations, which began to emerge in the second half of the 90’s of the last century.

Our investigation of this issue allows us to summarize the basic prerequisites of need for implementation the second codification of administrative and tort legislation as follows. Firstly, there is no doubt that the administrative and jurisdictional protection must be adequate to the existing new realities of modern life. Over the period of the first CAO of Union republics (sample of the mid 80’s of the last

century), many their norms became irrevocably obsolete and “fell into oblivion”. Secondly, nearly 20 years of administrative-jurisdictional experience of application “old” CAO of Union republics revealed the existing conflicts and gaps of the above mentioned legislation. We remind here that for the time of action of the Code on Administrative Offences of the RSFSR in a varying degree were changed more than two hundred of its articles. When this, only in the second half of the 90s of the last century were introduced more than 120 new structures of administrative offences, many of which are clearly disharmonized with the “old” norms of Soviet socialist law.

However, attempts to introduce numerous local changes and additions to the Code on Administrative Offences of the RSFSR (sample, 1984) by the end of 90’s of the last century completely exhausted and, what is more, compromised themselves. Such legal situation took (and in somewhere and still has) a place in a number of CIS countries [45, 46, 47]. Modern society that had begun to form democratic constitutional state in the CIS countries needed a doctrinal and conceptually new codified act regulating the issues of administrative responsibility. Thirdly, the existing normative legal base based on the legislation of the Union center (Foundations of the Legislation of the USSR and the Union Republics on Administrative Offenses (1980), decrees of the Presidium of the Supreme Soviet of the USSR, the USSR Government provisions), which helped in the fight with administrative offenses, came in a clear and irrevocable conflict with the provisions of the new constitutions of the CIS countries [3, 4].

Codes adopted in the mid-80’s of the last century, to the mid-90’s stopped to fit into a new constitutional space of the CIS countries. This tendency applies both to the level of legal regulation in this area, and real guarantees to ensure the legitimate rights and freedoms of participants of administrative and tort procedure, above all, of a delinquent and victim. The problem of proper securing the rights and freedoms of people in field of law enforcement activity has become even more relevant in connection with the ratification by the participant states of the Commonwealth of Independent States the Convention on the Protection of Human Rights and Fundamental Freedoms [1, 12, 13, and 14]. Fourth, administrative sanctions began to protect the norms of various branches of the new national law of the CIS countries (including customs, land, environment, water, etc.), but their (sanctions’) efficiency dropped significantly, and they were not able to fully meet their protection functions.

Recall also that the parliamentarians of the CIS countries, when developing conceptually new criminal codes in their countries, although abandoned structures

with administrative prejudice, decriminalizing a number of socially dangerous deeds, but included in the Special Part of the Criminal Code a significant number of crimes related to the relevant administrative offences [15, 16, 17, 18, 19, and 20]. It also should be reminded to the reader that the development of new criminal legislation in the CIS countries was not implemented "from scratch" [34, 41-48]. Significant role in developing new Criminal Codes played tight integration of legal scholars, legal practitioners and members of parliament of the CIS countries in the early 90's of the last century. As a result of this joint law making work was adopted the model Criminal Code for CIS countries [33, 36]. For the sake of Justice it should be noted that in the same 1996 at the seventh Plenary session of the Interparliamentary Assembly of Participant States of the Commonwealth of Independent States was also adopted the Civil Code, which was also a recommendatory legislative act for the Commonwealth of Independent States. It happened on February 17, 1996, [2]. A year earlier - on February 10, 1995 by the decision of the Council of Heads of Participant States of the CIS were taken the Bases for the customs legislation of Participant States of the Commonwealth of Independent States [5].

Certain legislative work was being conducted also at interregional level of CIS countries. For example, on June 7, 1997 at the Inter-Parliamentary Committee of four countries - Belarus, Kazakhstan, Kyrgyz Republic and the Russian Federation was approved the developed Provision on the model and other law making acts of Inter-Parliamentary Committee [37]. Therefore, in our opinion, the second codification of national administrative and tort legislation of CIS countries was intended not only to streamline the administrative and tort legal relations, but also significantly strengthen the within-system connections in the structure of a new national tort legislation of the CIS countries [22].

Finally, fifthly, for the second codification was created a relevant scientific base. In particular, scientists-jurists of Russia, Belarus, Kazakhstan and other CIS countries took not only attempts to justify the concepts of national administrative and tort law and procedure [39, 48, 49, 53], but also investigated their basic institutions [38, 52], developed a new doctrine of administrative and tort procedure [35], suggested author's versions of drafts of administrative and tort codes or their individual sections, chapters, and articles [40, 41, 43]. These remarks can be fully attributed to the development of administrative and tort legislation also in other CIS countries, including Kazakhstan, Kyrgyzstan, Azerbaijan and Uzbekistan [23, 26, and 42]. The presence of these and other prerequisites created favorable conditions for the development in the CIS countries new legislative acts on administrative responsibility.

Keeping mainly the structure of previously existing Codes on Administrative Offences of the first period of codification, the new codes of the CIS countries incorporated a significant number of legal novation. This, first of all, regards to bringing the legislation on administrative responsibility in accordance with the current constitution of the CIS countries and being updated national legislation of these countries. Secondly, the codes' drafts of CIS countries were developed on the base of consideration the requirements of international legal acts that have enshrined the priorities of protecting the rights and freedoms of man and citizen, idea of a democratic constitutional state, mixed economy and protection of socially new relations of period of the transition to a market economy. Thirdly, virtually all conceptually new codes of the CIS countries envisaged the introduction of a new subject of administrative responsibility – legal entity. Today, as we have noted above, only the Code on Administrative Responsibility of Uzbekistan still does not envisage administrative liability of legal persons. Fourthly, in the new codes of the CIS countries in more detail, in accordance with international legal standards was developed a procedure of administrative and tort process (e.g. were accepted novation regulating the holding in cases of necessity an administrative investigation on a case, was established a more specific procedure of application the measures of ensuring an administrative process, including the possibility to appeal their application, updated procedural order of execution of a taken decision on the case, etc.). Fifthly, in comparison with the Code on Administrative Offences of the Soviet period, in the new codes of the CIS countries (except for the adopted in 2006 Procedural-Executive Code of the Republic of Belarus) greatly was extended the list of subjects of administrative jurisdiction, authorized to consider cases on administrative offenses. In some codes this list reaches 40 - 60 subjects and has a tendency to increase. In the Code on Administrative Offences of the RF, for example, as at December 01, 2011 in the 23rd chapter the number of articles, in which is determined a list of administrative jurisdictions bodies, reached 70 dozen. This occurs even though the fact that the new codes give judges the right to consider a much larger number of cases than before.

It should also be noted that the general liberalization of tort legislation at that time almost did not affected some principal provisions of the new codified acts. For example, the codes of the CIS countries essentially reproduced the system of administrative penalties previously operating in the Soviet Union. Moreover, as a result of adopting some legal novation the level of administrative and legal repression of the codes was even increased.



The new national administrative and tort legislation of the CIS countries had an important role in ensuring the implementation of the planned policy of social and economic reforms and an appropriate level of ensuring public order and public security in the country. It had to ensure guarantees for the proper observance of human and citizen rights, not on paper (as it often happened in previous years), but in real life. It is this result without doubt sincerely tried to reach legislators of all the Commonwealth of Independent States countries, doing cardinal reforms of the given legislation.

Thus, we express solidarity with the opinion of the former Chairman of the Majilis of the Parliament of the Republic of Kazakhstan Zh. A Tujakbaj, who in the beginning of the new century has rightly noted that “growing out of an array of legal system of the former Soviet Union, feeding by its legal concepts, institutions and norms, the legislation of the former Union republics, and now sovereign states united in the CIS, bears the traces of the past and the sprouts of new” [50, 43-47, 51, 45-47]. This judgment, in our view, has not lost its relevance in the twentieth anniversary year of the Commonwealth of Independent States. Since by this formula even in the future will be resolved the issues of combination of legal continuity and legal innovations in conducting large-scale political, economic and social reforms in the CIS countries. And since the legislative work in CIS countries actively continues in this direction, we hope that in the near future in legislative “baggage” of the CIS countries will appear a conceptually new codified acts, in which, finally, following the example of the Republic of Belarus, the substantive and procedural administrative-tort norms would not only “be located in their apartments”, but, what is more important, will undergo further significant changes aimed at ensuring the constitutional protection of rights and freedoms of both citizens and legal entities involved in an administrative and tort procedure.

## References:

1. General declaration of human and citizen rights [Vseobwaja deklaracija prav cheloveka i grazhdanina]. *Vedomosti S"ezda narodnyh deputatov RSFSR i Verhovnogo Soveta RSFSR – Gazette of the Congress of people's deputies of the RSFSR and Supreme Soviet of the RSFSR*, 1991, No. 52, art. 1865.
2. Civil Code: part three: Recommendatory legislative act for the Commonwealth of Independent States: Adopted at the seventh Inter-parliamentary Assembly plenary session of the states-participants of the Commonwealth of Independent States from February 17, 1996 [Grazhdanskij kodeks: Chast' tret'ja: Rekomendatel'nyj zakonodatel'nyj akt dlja Sodruzhestva Nezavisimyh Gosudarstv: Prinjat na sed'mom plenarnom zasedanii Mezhpardamentskoj Assamblei gosudarstv-uchastnikov Sodruzhestva Nezavisimyh Gosudarstv 17 fevralja 1996g]. *Informacionnyj bjulleten' – Information bulletin*, 1996, No. 10 (appendix).
3. *Constitution of the Republic of Belarus* [Konstitucija Respubliki Belarus']. Minsk: publishing house Amalfeya, 2010.
4. *Constitution of the Republic of Kazakhstan* [Konstitucija Respubliki Kazahstan]. Almaty: Jurist, 2011.
5. Basics of customs legislation of the Commonwealth of Independent States participant states. Decision the Council of the CIS Heads from February 10, 1995 [Osnovy tamozhennogo zakonodatel'stva gosudarstv-uchastnikov Sodruzhestva Nezavisimyh Gosudarstv. Reshenie Soveta glav gosudarstv SNG ot 10 fevralja 1995g]. *Bjulleten' Mezhdunarodnyh dogovorov – Bulletin of International Treaties*, No. 9, 1995.
6. Resolution of the Supreme Council Presidium of the Republic of Belarus No. 3777-XII from May 30, 1995 "On the organization of temporary creative team for drafting the projects of Civil Code, Civil and Procedural, Criminal, Criminal Procedural, Administrative Procedural Code and the Code on Administrative Offences" [Postanovlenie Prezidiuma Verhovnogo Soveta Respubliki Belarus' № 3777–XII ot 30 maja 1995 g. «Ob organizacii vremennogo tvorcheskogo kolektiva po podgotovke proektov Grazhdanskogo, Grazhdanskogo processual'nogo, Ugolovnogo, Ugolovno-processual'nogo, Administrativno-processual'nogo kodeksov i Kodeksa ob administrativnyh pravonarushenijah»]. *Vedomosti Verhovnogo Soveta RB – Gazette of the Republic of Belarus Supreme Council*, 1995, no. 22-33, 317 p.
7. *The program of legislative ensuring the reforms and changes of the President of Turkmenistan Saparmurat Turkmenbashi (the law of Turkmenistan No. 24-II*

from March 23, 2000 “On approval the program of legislative ensuring the reforms and changes of the President of Turkmenistan Saparmurat Turkmenbashi”) [Programma zakonodatel’nogo obespechenija reform i preobrazovanij Prezidenta Turkmenistana Saparmurata Turkmenbashi (Zakon Turkmenistana ot 23 marta 2000 goda № 24-II «Ob utverzhdenii Programmy zakonodatel’nogo obespechenija reform i preobrazovanij Prezidenta Turkmenistana Saparmurata Turkmenbashi»)]. Available at: [http://base.spinform.ru/show\\_doc.fwx?rgn=17911](http://base.spinform.ru/show_doc.fwx?rgn=17911) (accessed: 04 May 2012).

8. *The order of the Republic of Kazakhstan President No. 949 from September 20, 2002 “On the conception of the Republic of Kazakhstan legal policy”* [Ukaz Prezidenta RK ot 20 sentjabrja 2002 g. № 949 «O Kontsepcii pravovoj politiki Respubliki Kazahstan»]. Available at: [http://www.e.gov.kz/wps/wcm/connect/2c4a4e804f146dda92089a459dcedacc/U020949\\_20050713.htm?MOD=AJPERES&useDefaultText=0&useDefaultDesc=0](http://www.e.gov.kz/wps/wcm/connect/2c4a4e804f146dda92089a459dcedacc/U020949_20050713.htm?MOD=AJPERES&useDefaultText=0&useDefaultDesc=0). (accessed: 04 May 2012).

9. *The decision of the Republic of Kazakhstan Government No. 598 of May 30, 2002 “On measures of rule-making activity improvement (with amendments to September 04, 2003 No. 898) [Postanovlenie Pravitel’sтва Respubliki Kazahstan ot 30 maja 2002 g. № 598 «O merah po sovershenstvovaniju normotvorcheskoj dejatel’nosti» (s izmenenijami na 4 sentjabrja 2003g. № 898)]. SAPP RK – Collected Acts of the President and the Government (SAPP in Russian) of the Republic of Kazakhstan, 2002, no 16, 172 p.*

10. *The decision of the Republic of Kazakhstan Government No. 1430 from December 29, 2002 “On the program of offences prevention and combating criminality in the Republic of Kazakhstan for 2003-2004”* [Postanovlenie Pravitel’sтва Respubliki Kazahstan ot 29 dekabrja 2002 g. № 1430 «O Programme profilaktiki pravonarushenij i bor’by s prestupnost’ju v Respublike Kazahstan na 2003-2004 gody»]. Available at: [http://online.zakon.kz/Document/?doc\\_id=1035821&sublink=100](http://online.zakon.kz/Document/?doc_id=1035821&sublink=100) (accessed: 04 May 2012).

11. *The decision of the Republic of Kazakhstan Government No. 840 from August 21, 2003 “On approval the organization Rules of legislative activity in authorized bodies of the Republic of Kazakhstan”* [Postanovlenie Pravitel’sтва Respubliki Kazahstan ot 21 avgusta 2003 g. № 840 «Ob utverzhdenii Pravil organizacii zakonoproektnoj raboty v upolnomochennyh organah Respubliki Kazahstan»]. Available at: <http://ru.government.kz/documents/premlaw/08.2003/page31>. (accessed: 04 May 2012).

12. Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms of March 20, 1952 [Protokol № 1 k Konvencii o zavite prav cheloveka i osnovnyh svobod ot 20 marta 1952 g.]. *Bjulleten' mezhdunarodnyh dogovorov – Bulletin of International Treaties*, 1998, no.7 and 12.

13. Protocol No. 4 of September 16, 1963 to the Convention for the Protection of Human Rights and Fundamental Freedoms “On securing certain rights and freedoms other than those already included in the Convention and Protocol № 1” [Protokol № 4 ot 16 sentjabrja 1963 g. k Konvencii o zavite prav cheloveka i osnovnyh svobod «Ob obespechenii nekotoryh prav i svobod pomimo teh, kotorye uzhe vkljucheny v Konvenciju i Protokol № 1»]. *Bjulleten' mezhdunarodnyh dogovorov – Bulletin of International Treaties*, 1998, no.7 and no. 12.

14. Protocol No. 7 of November 22, 1984 to the Convention for the Protection of Human Rights and Fundamental Freedoms [Protokol № 7 ot 22 nojabrja 1984 g. k Konvencii o zavite prav cheloveka i osnovnyh svobod] *Bjulleten' mezhdunarodnyh dogovorov – Bulletin of International Treaties*, No.9 and No. 12.

15. *The Criminal Code of the Republic of Kyrgyzstan* [Ugolovnyj kodeks Kyrgyzskoj Respubliki]. Bishkek: 2011.

16. *The Criminal Code of the Republic of Armenia* [Ugolovnyj kodeks Respubliki Armenija]. Erevan: publishing house of the Republic of Armenia Ministry of Justice, 2011.

17. *The Criminal Code of the Republic of Kazakhstan* [Ugolovnyj kodeks Respubliki Kazahstan]. Almaty: publishing house “Baspа”, 2011.

18. *The Criminal Code of the Republic of Moldova* [Ugolovnyj kodeks Respubliki Moldova]. Chisinau: 2010.

19. *The Criminal Code of the Republic of Tajikistan* [Ugolovnyj kodeks Respubliki Tadjikistan]. Dushanbe: publishing house Konuniyat, 2011.

20. *The Criminal Code of the Republic of Uzbekistan* [Ugolovnyj kodeks Respubliki Uzbekistan]. Tashkent: publishing house Adolat, 2011.

21. Abdrasulov E. B. The Practical Interpretation of the Law in the CIS Countries in the Transitional Period [Prakticheskoe tolkovanie zakona v stranakh SNG v perekhodnyj period]. *Pravovedenie – Science of Law*, 2002, No. 4, pp. 102-114.

22. Adushkin Yu. S. Reforming the Institute of Administrative Responsibility under the Legislation of the Kyrgyz Republic [Reformirovanie instituta administrativnoj otvetstvennosti po zakonodatel'stvu Kyrgyzskoj Respubliki]. *Administrativnoe i administrativno-protsessual'noe pravo. Aktual'nye*

*problemy – Administrative and Administrative Procedural Law. Actual Issues*, Moscow: YUNITI-DANA, Zakon I pravo, 2004. Pages 326-346.

23. Alimov Kh. R. Improving of Administrative Legislation of the Republic of Uzbekistan in Conditions of Transfer to Market Economy [Sovershenstvovanie administrativnogo zakonodatel'stva Respubliki Uzbekistan v usloviyakh perekhoda k rynochnoj ehkonomike]. *Aktual'nye problemy pravovoj reformy v gosudarstvakh-uchastnikakh Sodruzhestva Nezavisimykh Gosudarstv – Actual Issues of Legal Reform in States-Participants of the Commonwealth of Independent States*: collection of scientific works in two volumes. Vol. 1. Moscow: Tax Police Academy of the Russian Federal Tax Police Service, 2002, pp. 38-46.

24. Bakhrakh D. N., Manokhin V. M., Pavlovskij R. S. Administrative Law and Perestroyka [Administrativnoe pravo i perestrojka]. *Pravovedenie – Science of Law*, 1988, no. 6, pp. 49-52.

25. Volzhenkin B. V. Comparative Analysis of Provisions on Criminal Law under the Criminal Legislation of the CIS Participant States [Sravnitel'nyj analiz polozhenij ob ugovnom zakone po ugovnomu zakonodatel'stvu gosudarstv-uchastnikov SNG]. *Vestnik MGU – Messenger of MSU*, Ser. 11, Pravo, 2003, no. 5, pp. 60-69.

26. Grigor'ev V. I. *Administrative Jurisdictional problems of the Republic of Kazakhstan at the Last Decade of the 20th Century* [Administrativno-yurisdiktsionnye problemy Respubliki Kazakhstan v poslednem desyatiletii dvadtsatogo veka]. Materials of scientific theoretical conference of the Republic of Kazakhstan on the threshold of the twenty-first century. Almaty: Pravo i Gosudarstvo, 1997, no. 4, pp. 34-36.

27. Dzhorobekova A. Criminal Responsibility of Minors under the Legislation of the Republic of Kyrgyzstan [Ugolovnaya otvetstvennost' nesovershenoletnikh po zakonodatel'stvu Kyrgyzskoj Respubliki]. *Ugolovnoe pravo – Criminal Law*, 2004, no. 4, pp. 20-22.

28. Dodin E. V. Position and Role of the Administrative Law Norms in Regulation Public Relations in Ukraine [Mesto i rol' norm administrativnogo prava v regulirovanii obshhestvennykh otnoshenij v Ukraine]. *Administrativnoe pravo i administrativnyj protsess: aktual'nye problem – Administrative Law and Process: the Topical Issues*, editor-in-chief L. L. Popov and M. S. Studenkina, Moscow: Jurist, 2004, pp. 90,50-98.

29. Duabekov T. D. The Codification Problems of Legislation on Administrative Offences (material and procedural aspects) [Problemy kodifikatsii

zakonodatel'stva ob administrativnykh pravonarusheniyakh (material'nye i protsessual'nye aspekty)]. *Problemy sovershenstvovaniya administrativnoj deyatel'nosti organov vnutrennikh del v usloviyakh perekhoda Respubliki Kazakhstan k rynochnym otnosheniyam – The Problems of Improvement Administrative Activity of Bodies of Internal Affairs in Conditions of Transfer the Republic of Kazakhstan to Market Economy*: collection of scientific works, Karaganda: Higher School MIA of the Republic of Kazakhstan, 1995, pp. 3-11.

30. Emel'yanov S. N. Reforming of Administrative Responsibility Institute under the Code on Administrative Offences of Ukraine [Reformirovanie instituta administrativnoj otvetstvennosti po KoAP Ukrainy]. *Aktual'nye problemy obespecheniya ehkonomicheskoy bezopasnosti gosudarstva – Actual Issues of Ensuring Economic State Security: digest – materials of the International scientific-practical conference dedicated to the 10th anniversary of the financial police*. Part 2, Astana: publishing house Parasat E'lemi, 2004, pp. 151-156.

31. Ignatenko V. V. Administrative and tort Lawmaking: the Concept and Functions [Administrativno-deliktnoe zakonotvorchestvo: ponyatie i funktsii]. *Administrationoe pravo na rubezhe vekov – Administrative Law at the Turn of the Century*: Intercollegiate collection of scientific works, Ekaterinburg: publishing house of Ural University, 2003, pp. 196-209.

32. Kruglikov L. L. Comparative Analyses of the Punishment Institute in Criminal Codes of CIS Countries and Baltic States [Sravnitel'nyj analiz instituta nakazaniya po ugovolnym kodeksam stran SNG i Pribaltiki]. *Vestnik MGU – MSU Messenger*, Ser 11, Pravo, 2003, no. 5, pp. 69-85.

33. Kuznetsova N. F. Comparative Analyses of the Crime Institute in Criminal Codes of CIS Countries and Baltic States [Sravnitel'nyj analiz instituta prestupleniya po ugovolnym kodeksam stran SNG i Baltii]. *Vestnik MGU – MSU Messenger*, Ser 11, Pravo, 2003, no. 3, pp. 19-35.

34. Maksimov V. V. The New Criminal Legislation of the Republic of Kazakhstan [Novoe ugovolnoe zakonodatel'stvo Respubliki Kazakhstan]. *Rossijskij sledovatel' – Russian Investigator*, 2002, No. 4, pp. 41-48.

35. Maslennikov M. Ya. *Administrative and Jurisdictional Process* [Administrativno-yurisdiktsionnyj protses]. Voronezh, 1990.

36. Model Penal Code for CIS Participants States [Model'nyj Ugolovnyj kodeks dlya gosudarstv-uchastnikov SNG]. *Pravovedenie – Science of Law*, 1996, no. 1, pp. 92-150.

37. *Main documents regulating the activity of Inter-Parliamentary Committee* [Osnovnye dokumenty, regulirujuwie dejatel'nost' Mezhparka-mentskogo komiteta]. St. Petersburg, 1998.
38. *Main Institutions of Administrative and Tort Law* [Osnovnye instituty administrativno-deliktnogo prava]. under common edition of professor A. P. Shergin, Moscow: All-Russian Scientific Research Institute of the Russian Ministry of Internal Affairs (VNII MVD in Russian), 1999.
39. Salishheva N. G. About the Project of the New Code on Administrative Offences of the Russian Federation [O proekte novogo Kodeksa Rossijskoj Federatsii ob administrativnykh pravonarusheniyakh]. *Rossijskaya yustitsiya – Russian Justice*, 1995, no. 12.
40. Sevryugin V. E. *Theoretical Issues of an Administrative Misconduct* [Teoreticheskie problemy administrativnogo prostupka]. Author's abstract, thesis of Doctor of Law, Moscow, 1994.
41. Tataryan V. G. *Author's project of the chapter of the Administrative and Tort Code of the Republic of Kazakhstan "Administrative Offences in the Field of Fire Safety"* [Avtorskij proekt glavy Administrativno-deliktnogo kodeksa Respubliki Kazahstan «Administrativnye pravonarusheniya v oblasti pozharnoj bezopasnosti»]. Almaty: The Department of State Firefighting Service of the Committee on Emergency Situations of the Republic of Kazakhstan, 1998.
42. Tataryan V. G., Nazarbaev K. S. *Administrative and Tort Legislation: Urgent Problems and the Author's View on the Way to its Radical Improvement* [Administrativno-deliktnoe zakonodatel'stvo: nazrevshie problemy i avtorskij vzglyad na puti ego kardinal'nogo sovershenstvovaniya]. «*Zakonotvorchestvo i pravoprimerenie v Rossijskoj federatsii i Respublike Kazahstan: voprosy teorii i praktiki*» – *Law-making and Law-enforcement in the Russian Federation and Republic of Kazakhstan: Questions of Theory and Practice*: collection of scientific works, under general scientific edition of Professor V. G. Tataryan, Moscow: 2000, pp. 5-35.
43. Tataryan V. G., Sejl'khanov M. S. *The Project of the new Code On administrative Offences of the Republic of Kazakhstan: the Conclusion of the expert commission and the author's suggestions* [Proekt novogo Kodeksa Respubliki Kazahstan ob administrativnykh pravonarusheniyah: zakljuchenie jekspertnoj komissii i avtorskie predlozheniya]. Karaganda: Karaganda Higher School of the Republic of Kazakhstan MIA, 1995.
44. Tataryan V. G. *Formation of the Soviet Administrative and Tort Legislation: to the 25th Anniversary of the Fundamentals' Adoption of Legislation*

on Administrative Offenses of the USSR and Union Republics [Stanovlenie sovetskogo administrativno-deliktnogo zakonodatel'stva: k 25-letiyu prinyatiya Osnov zakonodatel'stva Soyuzza SSR i soyuznykh respublik ob administrativnykh pravonarusheniyakh]. *Istoriya gosudarstva i prava – History of State and Law*, 2005, No. 4, pp. 45-49.

45. Tataryan V. G. Objective and Subjective Trends of Development and Improvement the Administrative and Tort Legislation of CIS Countries: by the Example of the Republic of Azerbaijan Code on Administrative Offences [Ob"ektivnye i sub"ektivnye tendentsii razvitiya i sovershenstvovaniya administrativno-deliktnogo zakonodatel'stva stran SNG: na primere KoAP Azerbajdzhanskoj Respubliki]. *Aktual'nye problemy i perspektivy yuridicheskoy nauki i praktiki v gosudarstvakh-uchastnikakh Sodruzhestva Nezavisimykh Gosudarstv – Actual Problems and Perspectives of Legal Science and Practice in Commonwealth of Independent States Participant States: Materials of the International Remote Scientific-practical Conference*, under general scientific edition of Doctor of Law Professor V. G. Tataryan, Moscow: Academy of Economic Security of Russian MIA, 2008, Issue no. 4, In 2 volumes, Vol. II.

46. Tataryan V. G. Conceptual Basics of the Author's Model of Administrative and Tort Code for Union State of Belarus and Russia [Kontseptual'nye osnovy avtorskogo model'nogo Administrativno-deliktnogo kodeksa dlya Soyuznogo gosudarstva Belarusi i Rossii]. *Vestnik Ural'skogo instituta ehkonomiki, upravleniya i prava – Messenger of Ural Economic Institute of Management and Law*, February 2008, no. 1(2).

47. Tataryan V. G. Administrative and Tort Legislation of the Republic of Kazakhstan: Formation, Condition and its further Development after Independence Obtaining [Administrativno-deliktnoe zakonodatel'stvo Respubliki Kazakhstan: stanovlenie, sostoyanie i ego dal'nejshee razvitie posle priobreteniya nezavisimosti]. *Obshchestvo v usloviyakh finansovogo krizisa: ehkonomika, politika, pravo – Society in the Conditions of Financial Crisis: Economics, Politics, Law: Materials of the International Scientific-practical Conference (Ekaterinburg, 2009)*, Part 1. Ekaterinburg: publishing house of Ural Economic Institute of Management and Law, 2009.

48. Tikhomirov YU. A., Nozdrachev A. F., KHangel'dyev B. B. and others Administrative and Administrative-Procedural Legislation Development Conception [Kontseptsiya razvitiya administrativnogo i administrativno-protsessual'nogo zakonodatel'stva]. *Kontseptsii razvitiya*



*rossijskogo zakonodatel'stva - Russian Legislation Development Conceptions*, Moscow: 1998.

49. Tikhomirov Yu. A. About Development Conception of Administrative Law and Process [O kontseptsii razvitiya administrativnogo prava i protsessu]. *Gosudarstvo i pravo - State and Law*, 1998, no. 1.

50. Tuyakbaj Zh. A. About Negative Factors of Kazakhstan Justice Reforms [O negativnykh faktorakh reform pravosudiya v Kazakhstane]. *Rossiiskij sud'ya - Russian Judge*, 2004, no. 4, pp. 45-47.

51. Tuyakbaj Zh. A. The Socio-political Prerequisites and the Main Stages of the Legal Reform in Kazakhstan [Sotsial'no-politicheskie predposylki i osnovnye ehtapy pravovogo reformirovaniya v Kazakhstane]. *Rossiiskij sledovatel' - Russian Investigator*, 2004, no. 6, pp. 43-47.

52. Shergin A. P. *Administrative Jurisdiction* [Administrativnaya yurisdiksiya]. Moscow, 1979.

53. Shergin A. P., Tataryan V. G., Omarov I. A. Current Problems of Administrative Tort Law and Legislation [Aktual'nye problemy administrativno-deliktного prava i zakonodatel'stva]. *Konstitutsja RK i problemy ee realizatsii v tekushhem zakonodatel'stve - The Republic of Kazakhstan Constitution and Problems of its Realization in the Current Legislation: collection of scientific works*, Kazakhstan: Higher School of the Republic of Kazakhstan National Security Committee, 1988, pp. 84-91.