

ANNOUNCEMENT

Department of Administrative and Informational Law of law faculty at Federal State Educational Budgetary Institutions of Higher Vocational Education "Financial University under the Government of the Russian Federation" invites you to participate in the International scientific-practical conference of higher-education teaching personnel, researchers and practitioners "Topical Issues of Administrative and Information Law", to be held April 12, 2013.

The Conference will be held in the Financial University under the Government of the Russian Federation: #109456, Moscow, 4th Veshnyakovskii passage, building 4; phones for inquiries: 8 (499) 7965320, 8 (909) 6991752.

Registration starts at 10 a.m.

The time of the Conference – from 11a.m. to 4 p.m.

Objective: to develop actual directions of improving administrative and information law.

Tasks:

- scientifically discuss major issues of administrative and legal regulation of public administration system;
- analyze the issues of customs regulation in EAEC Customs Union;
- discuss ways of improving informational law and legal regulation of information security;
- analyze administrative and informational legal relations in the field of environmental protection and ecological security.

Expected result – development of scientifically based proposals on improving administrative, informational, customs and environmental legislation.

Those wishing to participate in the work of the Conference please fill in the application form indicating the theme of report and send the application form electronically before March 23, 2013 for the formation of the Conference program to: kafapvgna@inbox.ru

The results of the conference are planned to be published in a collection.

REQUIREMENTS FOR ABSTRACTS:

Reports are accepted up to 12 pages (font – Times New Roman, size 14, spacing 1.5, fields – 2 sm., paginal footnotes).

Reports are sent to the Department "Administrative and Informational Law" by e-mail: kafapvgna@inbox.ru before March 10, 2013.

STRUCTURE OF THE ABSTRACTS:

1. Surname, name, patronymic of participant (fully).
2. Country, city.
3. Place of work, position.
4. Scientific degree, scientific rank.
5. Contact phone number, fax (if available).
6. E-mail.
7. Postal address, zip-code.
8. Name of abstract.
9. Text of abstract.
10. List of references.

Organising committee of the conference

The organizers of this conference have already carried out similar a scientific event on May 16, 2012, when in All-Russian State Tax Academy of the Ministry of Finance of the Russian Federation was held All-Russian scientific-practical conference "Administrative Jurisdiction". Proceedings of the Conference from May 16, 2012 year were published in the journal "Juridical World", 2012, no. 8. However, the broad scientific community was not given an opportunity to get acknowledged with the recommendations of this Conference. Therefore the editorial board considers it its duty to represent to all the readers of the journal the text of recommendations learned from the All-Russian scientific-practical conference "Administrative Jurisdiction".

RECOMMENDATIONS OF THE ALL-RUSSIAN SCIENTIFIC-PRACTICAL CONFERENCE "ADMINISTRATIVE JURISDICTION"

The Conference was organized by the Department of administrative law, Faculty of law of the All-Russian State Tax Academy, Ministry of Finance of the Russian Federation

May 16, 2012

Recommendations of the conference can be used for the efficient and effective functioning of the system of executive power bodies, for developing a unified administrative-jurisdictional legislation and procedural-legal mechanism of its

implementation, for the establishment and application of legal mechanisms of tax administration, as well as for other tasks.

Science of administrative law and process is the most popular area of legal knowledge.

However, the development of the branch of administrative law and process is contradictory; the tasks in administrative-legal and administrative-procedural areas require new scientific approaches and solutions.

The practice of administrative and jurisdictional activities of executive authorities is far from perfect.

So, according to a research note to a statistical report on the work of arbitration courts of the Russian Federation in 2011, the proportion of cases arising from administrative and other public legal relations, where applicants' requirements were met, amounted to an average of 52%. More often were canceled decisions of the bodies exercising control over the use of land (64%), control bodies in the field of environmental protection (63%), and tax authorities (62%).

Analysis of the provided statistical data leads to the conclusion about the necessity of participation of legal science in the rulemaking process, especially concerning the improvement of legislation that regulates the implementation of administrative jurisdiction in Russia, as well as the need for revision on the subject of expediency of administrative coercive measures in the various cases of tort manifestations by the subjects of entrepreneurial activity.

Conference participants noted the weak or insufficient development of the most significant issues that act as research objects of the science of administrative law and procedure. In addition, they recognized the need to rethink previously obtained scientific results in connection with the new economic, social, political and legal (including international-law) realities.

Against the background of modernization of management processes taking place in the system of public administration, administrative process is at the leading position.

That is, administrative process is designed to systematical regulation of public administration – activity of primarily executive power, which exercise managerial process through administrative-procedural norms.

Recommendations made by the participants of the conference are both theoretical and practical.

Participants of the conference note:

1. Available in Russia concepts of administrative process do not allow implementation of comprehensive and holistic covering of the modern system of

administrative process, what, in turn, reduces the efficiency of public authority bodies and government as a whole.

For the unification of the basic concepts and institutes of the system of administrative process is proposed to take as a base the **Unified concept of the system of administrative process**.

According to the Concept, the system of **administrative process** includes three components of its institute – administrative procedures, administrative jurisdiction and administrative justice.

Administrative procedures regulate lawmaking or positive law enforcement (non-jurisdictional) activity of a wide range of executive public authorities regarding the exercising of the rights and duties of individual and collective subjects in management, which is carried out in administrative and procedural form.

In the process of implementing the functions of public administration by bodies of executive power some contradictions may arise – disputes, conflicts of interest, including service disputes in the system of state service, conflictual phenomena in the interaction with citizens, legal persons, etc. Such conflicts are most likely to be resolved by administrative-legal means through administrative proceedings, applied in out-of-court or pre-trial order, i.e., through the institute of “*Administrative jurisdiction*”.

Administrative justice – is an implementation of justice, mainly on the cases on administrative offences and implementation of judicial control over the legality of normative and non-normative legal acts adopted by public authorities and their officials.

Within the framework of the institute of administrative justice *judicial administrative-jurisdictional process* resolves administrative cases and disputes. It is exercised in the form of justice through administrative proceedings.

2. Included in the system of administrative process the institute of “Administrative jurisdiction” requires a unified conceptual approach to its understanding.

First, further development of the theory of administrative jurisdiction in all its components is needed. It is important to determine its basic concepts and, above all, the key one – “administrative jurisdiction”.

In general we can say that the majority of scientists in defining the concept of “administrative jurisdiction” show solidarity in defining of its subject, basing on the subject matter of administrative law. However, the legislative determination of the studied concept would develop a common approach of law enforcers to its implementation, which will be ultimately promoting to complying with the rights and freedoms of an individual, and increasing the quality of life of the population.

Second, scientific developments of problems of administrative jurisdiction should help to improve its normative framework.

Administrative-jurisdictional activity consists of the administrative proceedings of jurisdictional nature regarding consideration and resolution of administrative cases, disputes, exercising of sanctions and protection of protective legal relation with the use of measures of state coercion (administrative, disciplinary and other), implemented in administrative-procedural form.

Each variety of administrative proceedings shall be based solely on the rules of law contained in the laws of the Russian Federation or its subjects.

Third, proceedings on administrative offences require further legislative codification

Substantive rules on administrative responsibility should form the content of the RF Code on Administrative Responsibility. It should define the grounds and measures of this type of legal responsibility.

Codification of procedural norms defining the mechanism for implementing substantive rules on administrative responsibility must be addressed through the preparation and adoption of the Administrative and Jurisdictional Code of the Russian Federation.

3. Legal nature of tax offences is administrative, and a number of their compositions defined by the legislator coincides with similar compositions of administrative offences up to the degree of mixing.

Presence of two parallel to the existing, normatively separate, but constantly intersecting systems of legal responsibility complicates both the very legislative regulation and law enforcement practice.

Today, two almost indistinguishable systems of sanctions for deeds that have the same legal nature, which are used simultaneously by the same federal body of executive power, are formed in the legislation.

This situation creates a duality not only in the practical law enforcement, but also "blurs" doctrine, forcing to artificial search for grounds for separation tax responsibility from administrative one, even though they do not really exist. It would be more appropriate to send these research efforts to a more positive and rational direction, that is, to improve the system of administrative responsibility in the area of taxes and fees.

The use of unified approaches to the formulation of substantive and procedural-legal rules will streamline these relations, as well as will let to a greater extent implement in this area of public relations major general legal principle - the principle of the rule of law, one of the facets of which is the concentration of a totality of sanctions of one legal nature in a large codified act, application of common

approaches to the differentiation of sanctions depending on the severity of an offense, formation of the general theory of such relations, general categorical apparatus, etc.

4. Institute of administrative jurisdiction of tax authorities is interconnected with the so-called tax administration. After the transition to a market economy the theory and practice of taxation acquired the term of "tax administration". A more correct and having the right to live in the present conditions of development of our statehood is the definition of "Public administration in the area of taxes and fees", which is understood as an integrated system of statutory measures and activities conducted by public authorities of executive power within their competence to obtain full and reliable information about the current and potential volume of revenue from taxation, planning and forecasting of tax revenue, tax regulation, tax control, as well as prevention of tax delinquency and overrun of costs implemented for the improvement of the mechanism of tax revenues to the budget system while optimizing.

5. The importance of the institute of administrative jurisdiction in the protection of existing social relations, the complexity and scale of the norms of administrative-tort legislation, the difficulties in their application by judges and other authorized bodies (officials) dictate the need for substantial corrections in the programs of higher legal education.

Text of the recommendations is submitted for publication by the head of the Department of "Administrative and Informational Law" at Federal State Budgetary Educational Institution of Higher Professional Education "Financial University under the Government of the Russian Federation", Doctor of Law, Professor M. A. Lapina.