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Aratova A. A.

DELIMITATION OF INSULT FROM RELATED ADMINISTRATIVE OFFENCES AND CRIMES[1]

Aratova Angelina Aleksandrovna,
Head of corporate legal management of law firm "ELKO profi", degree-seeking student of Moscow University of the RF MIA,
angelinaaratova@mail.ru

The attention is given to the problems that occur in the legal assessment of insult as a new kind of administrative offense. It is noted that the decriminalization of certain offenses against the honor and dignity of an individual, although has increased the role of administrative jurisdiction in their defense, however has also complicated qualification of insult and its delimitation from other related compositions of administrative offenses and crimes.

Keywords: insult, protection of honor and dignity, administrative responsibility for insult, crimes against honor and dignity of an individual.

One of the constitutional rights of everyone is right to protection of honor and dignity of an individual. Breaches of this right not only affect the interests of an individual, they often find great public interest, undermining the moral foundations of Russian society. The State undertakes measures to protect the honor and dignity of an individual, establishes appropriate penalties for infringement on these constitutional rights. Until recently, this protection was provided primarily through the norms of the Criminal Code of the Russian Federation, which envisaged criminal responsibility for slander and insult.

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Meanwhile, the legislator, being guided by the principles of humanism and saving of criminal repression, gradually replaces criminal punishments by administrative ones against those persons who commit minor offences, thereby expanding the scope of administrative and jurisdictional protection of public relations. Not by chance the decriminalization is now being considered as one of the factors of forming administrative-tort legislation. The reform of the Criminal Code of the Russian Federation has continued the trend of criminal policy. In accordance with the Federal Law No. 420-FL from December 07, 2011 "On Amendments to the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation" [4], numerous changes were introduced to the Criminal Code, the Criminal Enforcement Code, Code of Criminal Procedure and the Code on Administrative Offences of the RF. This law implemented the decriminalization of some crimes that were transferred into the category of administrative offences. Among them was article 130 providing criminal responsibility for insult, which was excluded from the Criminal Code of the RF (hereinafter – CC RF), and the Code on Administrative Offences of the RF (hereinafter – CAO RF) was added article 5.61 "Insult" [1]. These innovations did not only change the sectorial normative evaluation of the mentioned deed infringing upon the honor and dignity of an individual, increase the role of administrative jurisdiction in their protection, but also complicated qualification of insults, correlation with other adjacent compositions of administrative offenses and crimes. In this article an attempt was made to draw attention to the problems that have emerged in the legal assessment of insult as a new type of administrative offence.

As we have already pointed out, administrative responsibility for insult is envisaged in article 5.61 CAO RF. In accordance with this norm:

"1. Insult, i.e. humiliation of honor and dignity of another person, which is expressed in a rude form, –

shall entail the imposition of an administrative fine on citizens in the amount from one thousand to three thousand rubles; on officials – from ten thousand to thirty thousand rubles; on legal entities – from fifty thousand to one hundred thousand rubles.

2. Insult in a public speech, publicly demonstrated work or mass media, –

shall entail the imposition of an administrative fine on citizens in the amount from three thousand to five thousand rubles; on officials – from thirty thousand to fifty thousand rubles; on legal entities – from one hundred thousand to five hundred thousand rubles.

3. The failure to take measures to prevent insults in a publicly demonstrated work or in mass media, –

shall entail the imposition of an administrative fine on officials in the amount from ten thousand to thirty thousand rubles; on legal entities – from thirty thousand to fifty thousand rubles" [1].

General characteristic of new administrative-tort norm was presented by us earlier [7, 226-229], so let's look at the features of its structure. After decriminalization of insult the legislator preserved in the first two parts of article 5.61 CAO RF the signs of the former article 130 CC RF [2] and introduced the new composition of the administrative offence in form of failure to take measures to prevent insult in a publicly demonstrated work or in mass media. Thus, not only sectorial qualification of the offense was changed, but also part 3 of article 5.61CAO RF introduced the new composition of the administrative offense, which is defined as the failure to take measures to prevent insult in a p publicly demonstrated works or in mass media. Inclusion of this composition of the administrative offences in article 5.61 CAO RF seems not successful, because its object is management order, and the object of insult, under part 1 and part 2 of this article, is honor and dignity of an individual.

Delimitation of insult from other administrative offenses and crimes is aggravated by the fact that, first, honor and dignity are evaluative categories; second, insulting actions often affect other rights and freedoms of man and citizen.

Violations of the honor and dignity of an individual are not limited to the offence under article 5.61 CAO RF. Therefore, its correct qualification implies the delimitation of insults from related compositions of administrative violations and crimes.

Most often insult competes with slander. Both deeds encroach upon honor and dignity of an individual. Not by chance the Federal Law No. 420-FL from December 07, 2011 decriminalized both offences and articles 129 and 130 were excluded from CC RF. However, already after half a year the legislator deemed it appropriate to criminalize slander, and CC RF regained an article envisaging criminal responsibility for such deed (article 128.1) [5]. Slander, according to part 1 article 128.1 CC RF [2], is the dissemination of knowingly false information denigrating honor and dignity of another person, or undermining its reputation. Famous Russian criminologists drew attention to the difference between insult and slander. Professor A. A. Zhizhilenko at the beginning of the last century wrote that "while insult encompasses expression by a guilty person of its humiliating opinion about anyone, slander has an attempt to incline other people to such

opinion. Thus, slander is characterized by a desire to undermine the reputation of a person in the eyes of others, denigrate in this way its honest name as a person and as a member of social group" [8, 96]. Delimitation of insult and slander should be conducted under several signs.

Insult is a negative assessment of victim's personality, which is expressed in a rude form and degrades victim's honor and dignity. Subject's actions should reflect the negative qualities of victim. However, the negative evaluation by a person of the employee's production activity does not contain the signs of insult; in contrast to slander, when insulting the offender reports not on specific facts related to the victim, but assesses its personal qualities and conduct in general. Unlike insult, the necessary sign of slander is dissemination of knowingly false information, defaming fabrications about specific facts concerning the victim. The Plenary Session of the Supreme Court of the RF in its resolution No. 3 from February 24, 2005 "On judicial practice concerning the protection of honor and dignity of citizens, as well as the business reputation of citizens and legal entities" [6] explained that the dissemination of information discrediting honor and dignity of citizens or business reputation of citizens and legal persons should be understood as publishing of such information in print, radio and television broadcasting, demonstration in newsreels and other mass media, distribution on the Internet and by other means of telecommunication, statement in performance evaluation report, public speeches, statements addressed to officials, or informing, including in oral form, of at least one person. At that, mandatory sign of slander is a known for culprit falseness of disseminated information discrediting honor and dignity of citizens.

Discrimination, responsibility for commission of which is provided for by article 5.62 CAO RF, is close to the considered administrative offence on meaningful characteristics. Discrimination just as insult assumes humiliation of man and citizen, but it is aimed at infringement of its certain rights and freedoms. The Law defines discrimination as a violation of rights, freedoms and lawful interests of man and citizen depending on the sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, and membership of public associations or any groups. As noted earlier, the object of insult is only the honor and dignity of victim, violation of its other human rights and freedoms is not covered by the offense composition provided for by article 5.61 CAO RF. In addition, a rude form of humiliation of honor and dignity of another person is compulsory for this offence. Discrimination is not associated with this sign. For example, a taxi driver refuses to provide transport service to a person of one nationality and immediately agrees to take the client of another nationality.

Insult as a basic concept is used by the legislator in the formulation of compositions of other administrative offences and crimes. Most frequently, insult as a humiliation of honor and dignity of another person, which is expressed in a rude manner (article 5.61 CAO RF), competes with an insult of religious feelings of citizens or desecration of their venerated objects, signs and emblems of ideological symbolism (part 2 article 5.26 CAO RF), contempt of court (article 297 CC RF), insult of a representative of authority (article 319 CC RF), insult of a serviceman (article 336 CC RF). In essence, these are special compositions of the considered administrative offence and design feature of insult are also characteristic for them. Their difference from the general composition of insult is carried out under various signs.

Insult differs from insult of religious feelings of citizens under the object (part 2 article 5.26 CAO RF). If the object of encroachment for the first administrative offences is honor and dignity of another person, then for the second – religious feelings of citizens, i.e. victims under part 2 article 5.26 CAO RF may be citizens professing one of the traditional forms of religion.

The legislator provides for criminal responsibility for insulting certain categories of persons. Increased responsibility for such action is associated with the especial legal status of victims, the nature of exercised public activity. It is, therefore, appropriate to speak not only about the insult of their honor and dignity, but also about the encroachment upon normal conditions of exercising corresponding activity (state authority, administration of justice, military service). However, there are doubts in the literature concerning isolation of special compositions of insult and slander in the various chapters of CC RF [9, 28-29].

Article 297 CC RF establishes responsibility for contempt of court, which is expressed in insult of participants of court proceedings, i.e., persons involved in a particular form of proceedings (constitutional, civil, criminal, arbitration). The law defines the range of persons for each of these types of legal process. For example, the list of participants in criminal proceedings, their procedural status in the current Code of Criminal Procedure of the RF is defined in chapter 6 “Participants in Criminal Proceedings for the Prosecution” and Chapter 7 “Participants in Criminal Proceedings for the Defense”. Insult of a judge, juror or another person involved in the administration of justice shall constitute an offence under part 2 article 297 CC RF. In other words, the victims under article 297 CC RF can be only persons specified in law. The range of victims in cases of insult under article 5.61 CAO RF is not defined; it may be any other person.

The structure of compositions of articles 336 and 319 CC RF is analogical. Article 319 CC RF stipulates responsibility for insulting representatives of authority.

According to article 318 CC RF they include officials of law enforcement or control bodies, another officials endowed with regulatory powers in respect of people not subordinated to them. However, corpus delicti under article 319 CC RF forms insult of a representative of authority if it has been committed in the performance of its official duties or in connection with the performance of them. If a police officer outside of its official duties is insulted by neighbor, then such actions form composition of administrative offence under article 5.61 CAO RF. Unlike the last, the compulsory sign of corpus delicti under article 319 CC RF is public nature of insult.

Article 336 CC RF also provides for a special composition of insult. Its special feature is that the subject of this crime and the victim are servicemen. According to article 2 of the Federal Law No. 76-FL from May 27, 1998 "On the Status of Servicemen" (in edition from 26.06.2012 No. 90-FL) [3], they include: officers, warrant officers, cadets of military educational institutions of vocational education, sergeants and petty officers, soldiers and sailors passing military service under contract, as well as sergeants and petty officers, soldiers and sailors passing compulsory military service. Corpus delicti under part 1 article 336 CC RF encompasses insult by one serviceman of another serviceman during the discharge of their duties of military service, or in connection with the discharge of these duties. Part two of this article establishes increased criminal responsibility for insult by a subordinate of his superior, and also insult by a superior of his subordinate during the discharge of their duties of military service, and in connection with the discharge of these duties.

The conducted analysis of norms stipulating responsibility for insult shows their difference both in content, focus of illegal actions, types of victims and in their sectorial affiliation. At that, the general norm is article 5.61 CAO RF, because only it contains legislative definition of insult. Other norms on insult provide for special compositions of administrative violations and crimes. Special norm is applied in presence of their signs. In this regard, it is advisable to pay attention to the conflicts between CAO RF and CC RF that have arisen in connection with the decriminalization of insult. Special criminal-legal norms (articles 297, 319, 336 CC RF) using the term of "insult" do not disclose its concept. Previously they were based on the general concept of insult, which was enshrined in former general norm – article 130 CC RF. After the decriminalization the general norm, which defined the concept of insult, disappeared from criminal law, it is represented in article 5.61 CAO RF. Reference to the definition of insult in administrative-tort norm in the current situation, in our opinion, does not seems correct because the logic of correlation of general and specific criminal-legal norms is broken. The latter should be based on the norm stipulating general composition of crime.

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Belokon' A. V., Bunova O. V.

ADMINISTRATIVE-LEGAL REGULATION OF INTERNAL AFFAIRS BODIES INTERACTION WITH EXECUTIVE BODIES OF THE CONSTITUENT ENTITIES OF THE RUSSIAN FEDERATION CONCERNING THE ISSUES OF VOLUNTARY SURRENDER OF WEAPONS, AMMUNITION, EXPLOSIVES [1]

Belokon' Anna Viktorovna,
c.j.s. (PhD in law), Senior researcher of the branch of Federal State Owned Institution "All-Russian Research Institute of the MIA of the RF" in South Federal District, Major of police,
vnii-kk@mail.ru

Bunova Oksana Valer'evna,
Senior researcher of the branch of Federal State Owned Institution "All-Russian Research Institute of the MIA of the RF" in South Federal District, Major of police.

The authors note the relevance of organization the reimbursable seizure from the population of weapons, ammunition, explosives and explosive devices.

Here is proved the need for adoption of a federal normative legal act establishing the appropriate administrative-legal regime for the effective functioning of programme on the voluntary surrender of weapons, ammunition, ammo, explosives and explosive devices.

Assessment of the experience of the Republic Kazakhstan in the sphere of legal regulation of voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition and explosives is given in the article.

Keywords: weapons, ammunition, explosives, arms trafficking, storage of weapons, surrender of weapons.

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The main feature of legal relations regulated by administrative-legal regimes is their tough mandative orientation in respect to the unconditional achievement of legal goal established by law-making authority, as well as in respect to the formation of regime rules establishing the order of activity for the subjects of legal relations. This is due primarily to the legal nature of administrative-legal regimes that are applied as a form of legal regulation when uncontested conduct should be get from the subjects of legal relations, i.e., such conduct that is exercised strictly according to the rules set by the legislature. The mentioned feature of legal regulation of legal relations under regime shows that the process of interaction of their subjects, including internal affairs bodies, has to be settled by the relevant administrative-legal regimes. Normative legal acts, which form the mentioned administrative-legal regimes, should define the subject matter, object of interaction, and the procedure and forms of interaction.

A sine qua non for the effective organization of interaction of internal affairs bodies and other executive bodies and organizations concerning the implementation of administrative-legal regimes for arms trafficking is its appropriate normative-legal support, which establishes the necessary and sufficient rights and duties of the subjects of legal relations regarding the interaction, as well as their legal statuses. Managerial relations concerning the interaction can take place only between the subjects, in the settings, under the rules, with the intensity, in relation to the objects that are specified by the corresponding normative legal acts.

It is not possible to provide the necessary control over the arms trafficking without the interaction of internal affairs bodies and other entities of the executive authorities in the sphere of control over arms trafficking. To achieve such a goal appropriate administrative-legal regimes should be set up.

Application of regime in legal regulation of relations in the sphere of arms trafficking allows determination of the vector of legislative impact on those social relations that demand normative impact. Thus, a very relevant aspect in the suppression of illicit arms trafficking is organization of interaction of internal affairs bodies with the executive authorities of the subjects of the Russian Federation, in the sphere of organization of events for voluntary surrender of weapons, ammunition, explosives and explosive devices on a reimbursable basis.

Work aimed at preventing ingress of illegally stored weapons, munitions, explosives, explosive devices in a criminal environment is of great importance for the efficient organization of work to ensure public security measures. In this regard we can observe the relevance of organization the reimbursable seizure from the population of weapons, ammunition, explosives and explosive devices. According

to the Ministry of Internal Affairs of Russia, from 1995 to 2009, in 63 of 82 subjects of the Russian Federation the population voluntarily surrendered more than 400 thousands of weapons, as a reward they received nearly 4.5 billion rubles [2].

At that, the Russian Interior Ministry notes that in cases, where the internal affairs bodies reach the interaction with the executive authorities, appear possibilities of financing preventive measures to seize weapons from the population on a reimbursable basis from regional budgets, municipalities, charities and other organizations. Low indicators of preventive activity on the mentioned direction were noted in those regions of the Russian Federation, where the above work was carried out only on a non-repayable basis, and regional administrations refused funding corresponding programs, what indicated the absence of interaction between internal affairs bodies and executive authorities of the subjects of the Russian Federation [1].

These data show that, first, the organization of work on the voluntary surrender of weapons, ammunition, explosives and explosive devices on a reimbursable basis is of great social importance in the field of law enforcement, and second, the interaction of internal affairs bodies in the subjects of the Russian Federation with the administrations of a number of regions does not reach a positive result because of subjective reasons. As a result, the program upon voluntary surrender of weapons, ammunition, explosives and explosive devices on a reimbursable basis is not realized in these regions.

From the above, we can draw only one conclusion: federal normative legal act establishing an appropriate administrative-legal regime should be adopted for the effective functioning of the program upon voluntary surrender of weapons, ammunition, explosives and explosive devices.

In our view, may be applied the legislative experience of the Republic of Kazakhstan in the sphere of legal regulation of voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition and explosives. In accordance with article 6 of the Law of the Republic of Kazakhstan No. 339-1 from December 30, 1998 "On State Control over Arms Trafficking", the Government of the Republic of Kazakhstan establishes the procedure for voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition and explosives. Government Decree of the Republic of Kazakhstan No. 1299 from December 26, 2007 establishes the Rules of voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition and explosives, which also apply to the voluntary surrender of weapons that are owned by citizens and organizations and registered in the internal affairs bodies. In accordance with the mentioned Government Decree of the Republic

of Kazakhstan, citizens, who voluntarily hand over their illegally stored firearms, ammunition and explosives, receive cash reward.

Financing costs for reimbursable surrender of firearms, ammunition and explosives is implemented from the specially provided for this purpose funds of Republican budget. All voluntarily surrendered firearms, ammunition, explosives shall be disposed of in the manner prescribed by the legislation.

Citizen, who has expressed a desire to surrender its illegally stored firearms, ammunition, explosives for a cash remuneration, makes a statement in any of the urban, district body of internal affairs, where he or she indicates its data, name of weapons, brand, caliber, serial number of weapons, quantity of ammunition and the source of their receipt (acquisition). Statement on the voluntary surrender, as well as all voluntarily surrendered firearms, ammunition and explosives are recorded and documented in accordance with the current legislation. At the request (message) of a citizen to an internal affairs body by telephone or other electronic means of communication concerning the desire to voluntarily surrender firearms, ammunition or explosives, internal affairs officer arrives to the location of these items, carries out admission of application and takes these items.

Firearms handed over by citizens are verified via Integrated database of the Ministry of Internal Affairs of the Republic of Kazakhstan: "Criminal weapons" and "Registered weapons". If the handed over weapons have an identification number and are not registered as "Registered weapons", then such weapon is given an information-retrieval card "CrimW" ("KrimO") and then it is sent to the regional subdivision of the information technology service for entering information into the database "Criminal weapons". Surrendered rifled firearms are subject to the obligatory shooting. Fired bullets and shell casings are sent to Forensic bullet and shell casing repository of the Interior Ministry of the Republic of Kazakhstan for verification.

Citizens, who have surrendered illegally stored firearms, ammunition, explosives, receive reward in the amount of the following MCI (monthly calculation indices) established by the Law of the Republic of Kazakhstan on Republican budget for the current year:

1) up to one hundred MCI for each unit of automatic rifled firearm;

2) up to fifty MCI for each unit of rifled long barrel firearms (rifles, carbines);

3) up to forty MCI for each unit of rifled short barrel firearms (pistols, revolvers);

4) up to thirty MCI for each unit of fire smooth-bore weapons;

5) up to ten MCI for each unit of traumatic revolver or pistol;

6) up to 7 MCI for each grenade, mine, explosive device and an artillery shell;

7) up to 6 MCI for each1000 grams of explosives;

8) up to one-twenty-fourth MCI for each unit of ammo for rifled firearm.

The technical condition of a firearm and its suitability for a shot are taken into account when deciding upon the level of remuneration. In the case of suitability of weapon for firing the payment is made at the rate of 100% of the recommended value, and in the case of no suitability for firing – no more than 50% of the recommended value.

The following items and substances shall not be remunerated:

1) not recognized on the basis of the conclusion of a criminalist-specialist as firearms, ammunition or explosives;

2) registered in the MIA Data Base of the Republic of Kazakhstan as "Criminal weapons" and "Registered weapons";

3) home-made ammunition

4) ammunition for smooth-bore, gas and traumatic weapons.

Payment of remuneration is exercised by financial services of the territorial bodies internal affairs via transfer from budget account established to compensate costs for the reimbursable seizure from population of firearms, ammunition and explosives.

We should note a very effective program upon the voluntary surrender of firearms, ammunition, explosives in the Krasnodar Territory, the operation of which was launched with the issuing of the Decree of the Head of Administration of the Krasnodar Territory No. 675 from December 05, 1994 "On Measures for the Voluntary Surrender by Citizens of Illegally Stored Firearms, Ammunition and Explosives". Nowadays, in order to suppress and prevent crimes involving weapons, in the region has been organized outreach for voluntary surrender of weapons, including on a reimbursable basis pursuant to the Decree of the Head of Territory Administration No. 317 from April 05, 2004 "On Measures for Organization of the Voluntary Surrender by Citizens of Illegally Stored Firearms, Ammunition, Explosives and Explosive Devices". During the period under review, on a reimbursable basis citizens surrendered: 2598 units of weapon (same period last year – 2539), 6651 pcs. of ammunition (SPLY – 7106), 199 pcs. of shells (SPLY –142), 12 pcs. of grenades (SPLY – 3).

Legal regulation of the activities of internal affairs bodies on the organization of voluntary surrender of weapons, ammunition, explosive materials must be carried out through a complex of administrative-legal regimes that form juridical structures of legal norms establishing the rules of regime, legal statuses of

the subjects and objects of relations under regime, guarantees of administrative-legal regimes' functioning. Structural components of such administrative-legal regimes should be formed by a set of legal norms established by normative legal acts that are various in level and subject of legal regulation.

We believe that, in order to organize preventive work to ensure public safety measures aimed at preventing the penetration of illegally stored weapons, ammunition, explosives, explosive devices into criminal environment, federal executive body, responsible for drafting and implementing national policy and legal regulation in the sphere of internal affairs, necessarily has to initiate the adoption of the Federal Law, the Decision of the Russian Federation Government that establishes rules voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition, explosives. Using the experience of the Republic of Kazakhstan in the sphere of legal regulation of voluntary reimbursable surrender by citizens of illegally stored firearms, ammunition, explosives.

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Channov S. E.

LOCAL SELF-GOVERNMENT: YEAR 2014 – FOURTH REFORM?

Channov Sergei Evgen'evich,
Doctor of law (LLD), Professor, Head of the Department of service and labor law, P. A. Stolypin Volga Region Institute of Management of Russian Academy of National Economy and Public Administration, Saratov.

Based on the analysis of the draft law amending the Federal Law "On General Principles of Organization of Local Self-government in the Russian Federation", the author notes that the draft law introduced to the State Duma, on the one hand, reduces the ability of population to influence on municipal structures (due to the decrease of cases of the municipal elections), on the other, obviously reduces the autonomy of local government by increasing the powers of the State in this sphere.

In addition the author notes the following shortcomings: two-tier system of local self-government in major cities will inevitably lead to a doubling of the authorities; division of a city into separate municipal formations may entail some difficulties in terms of preserving the unity of city economy; provisions of the draft law do not address the issues related to property, tax and generally any financial component of activity of intraurban areas; some provisions of the draft law are aimed at reducing the number of direct election of local self-government officials by the population.

Keyword: local self-government, local authorities, local self-government reform, legislation on local self-government.

One of the important issues, to which the President of the Russian Federation referred in his annual address to the Federal Assembly in 2013, was the current state of local self-government in Russia. Touching upon the low efficiency of the bodies of municipal authority and detachment of population from real participation in local self-government, he set the task of clarifying the general principles for organization of local self-government, development of a strong, independent, financially wealthy local authority, and such work is, in his view, had to be legally ensured "already next 2014 year, the year of the 150 anniversary of the famous Zemskaya Reform" [3].

It is clear that such words of the President of the Russian Federation in his annual address could be perceived only as a direct order to take action. Thus, it was clear that 2014 year could become the year of next – the fourth (if we consider the reforms of 1991, 1995 and 2003) in modern Russian history reform of local self-government. There remained only the question: will this reform be backed by a new law on local self-government or by fundamental amendments to the current one?

Correct answer, at least according to the situation at the beginning of March, was the second one. March 13, 2014 the working group on the reforming of local government, established at the decree of the President Vladimir Putin, completed its work and submitted to the State Duma amendments to the Federal Law "On the General Principles of Local Self-Government in the Russian Federation". The draft was introduced by the deputies of the State Duma V. B. Kidyaev, V. S. Timchenko, member of the Federation Council S. M. Kirichuk, deputies of the State Duma A. S. Delimkhanov, Z. D. Gekkiev, V. A. Kazakov, S. G. Karginov, P. I. Pimashkov, M. N. Svergunov, V. E. Bulavinov, I. L. Zotov, and further for the sake of brevity in this article it will be referred to as "draft law".

It must be said that, just having appeared, the draft law has already sparked criticism of the Committee of Civil Initiatives of former Russian Federation Minister of Finance Alexei Kudrin, who, in turn, suggested a number of his own ideas concerning the reform of local self-government. According to the experts of the Committee, the concept of local self-government reform, prepared by the working group headed by the Chairman of the All-Russian Council of Local Self-government Vyacheslav Timchenko, would give neither political nor economic effect and even more aggravate the existing problems (the State Duma was introduced a law abolishing the elections of mayors of major cities [8]).

What did cause such a criticism from the experts? To answer this question it seems feasible to analyze the text of draft law as of today.

First of all, it should be noted that the changes planned by its authors look really quite serious, though, at the same time, you cannot, in our view, call them revolutionary.

When referring to the draft law, in the first place the reform of organization of local government in urban districts catches the eye. Its main conceptual idea is to consolidate the possibility to form independent municipalities on intracity territories of urban districts in cases established by laws of the subjects of the Russian Federation. Today, as we know, the splitting of cities into intracity municipalities is provided for only in respect of cities of Federal significance, in case of adoption the draft law these municipalities can appear in hundreds of Russian cities.

This idea is completely in line with the annual address of the President of the Russian Federation, in which, inter alia, he noted that "the local authority should be structured so – since this is the closest power to the people – that any citizen, figuratively speaking, could reach it with its hand".

Indeed, the idea of the separation of a city into intracity territories having the status of a municipality is not new and has both its pros and cons. The main argument in its favor (and in favor of the considered draft law) is the fact that at the scale of a large metropolis a single body of local self-government just physically cannot solve all the local problems, i.e., the very idea of local authority, autonomy of population in decision of local issues is discredited [2, 232].

From this perspective, approximation of municipal authority to the population, laid as the basis of the draft law, can only be welcomed. At the same time, some of its provisions raise questions.

First, the introduction, in fact, of a two-tier system of local self-government in major cities will inevitably lead to a doubling of the authorities.

As can be judged from the text of the draft law, representative body of an urban district with intracity division should be formed from the composition of representative bodies of intracity areas in accordance with equal regardless of population representational quota. At that, the number of deputies of a representative body of city district with intracity division and intracity area shall be determined by the law of a subject of the Russian Federation.

However, despite this, some increase in the number of deputies in major cities, in the case of implementation the proposal under consideration, is very likely. Usually there are between 5 to 10 areas in large Russian cities (for example, in Omsk – 5, in Saratov – 6, in Kazan – 7, in Samara – 9, in Novosibirsk – 10), so even with a minimum actual number of representative body members of an intracity district 5-7 deputies (still, it is hard to imagine a representative body of three

members for an area with dozens or hundreds of thousands of residents) the total number of deputies of municipal level in a city will be more than 50, some portion of which will inevitably carry out their duties on a full-time (paid) basis. And it is not a fact that the subjects of the Russian Federation will accept this minimum number of members.

In addition, the formation of representative bodies in each area will uniquely require the formation of a numerous apparatus of these bodies and, therefore, increase of the number of municipal servants. The same, albeit to a lesser extent, applies to the local administrations

All this will inevitably have an impact on the increase of expenditures of local budgets to support managerial apparatus, which can hardly be welcomed in the economic situation existing in the Russian Federation today.

And here we can recall that in recent years in the legislation on local self-government we were observing just opposite trends associated with reductions of two-tier system in municipal managerial structures (see, for example, the Federal Law No. 315-FL from 29/11/2010 "On the Possibility of Refusal of Establishing Local Administrations in the Settlements that are Administrative Centers of Municipal Districts").

Secondly, the division of the city into independent municipalities could lead to certain difficulties in terms of preserving the unity of the city economy. As has been noted above, today this separation exists only in the city of Moscow and St. Petersburg, and, in order to overcome such a situation, the local self-government in intracity territories of these cities is exercised with taking into account a number of features established by article 79 of FL-131. For example, this article provides for a rule, according to which the list of issues of local significance, income sources of local budgets are defined by the laws of the corresponding subjects of the Russian Federation on the basis of the need to preserve the unity of city economy.

Also, according to article 12 of the Tax Code of the RF, local taxes in the cities of federal significance Moscow and St. Petersburg are established by the Tax Code of the RF and the laws on taxes of the mentioned subjects of the Russian Federation. The feasibility of this norm is also clear: within one city it is not acceptable when there are different rates of local taxes in its different areas.

All of the above provisions are intended to preserve a city as a single economic complex when creation on its territories intracity municipalities. However, the considered draft law does not provide for such requirements. However, it points out that "the powers of local self-government bodies of an urban district with intracity division and intracity areas to address determined in accordance with this Federal

Law issues of local significance of urban district with intracity division and intracity areas are delimited by the laws of a subject of the Russian Federation and, in accordance with them, by charter of such urban district". But from the above norm it is rather difficult to understand: how this will be resolved in practice. In addition, provisions of the draft law do not touch upon the issues related to the property, tax and financial component of intracity areas activity.

At the same time, it should be emphasized that the draft law (at least in the version prepared for introducing to the State Duma) did not assume coercive separation of large cities into intracity areas, as it was quickly announced by some network MEDIA (in response to the draft local self-government reform Kudrin suggested to revive pre-revolutionary counties [9]). As follows from the norm, which should enter in article 10 of the Federal Law "On the General Principles of Local Self-Government in the Russian Federation", in urban districts, in accordance with the laws of a subject of the Russian Federation, local self-government may also be exercised on the territories of intracity areas.

Moreover, the draft law specifically establishes that the change in the status of city district in connection with the vesting it the status of urban district with intracity division or deprivation of its status of urban district with intracity division is carried out by the law of a subject of the Russian Federation with taking into account the opinions of population of the corresponding urban district. Deprivation of a municipality the status of urban district with intracity division, in turn, entails the abolition intracity areas.

Thus, the subjects of the Russian Federation must themselves decide: in which districts it is advantageously to introduce a two-tier local self-government, and in which – not. This fact slightly smooths those questions to the draft law, which have been designated by us above.

But a number of its other provisions, although, at first sight, are somewhat lost at the background of possible creation of intracity municipalities, actually may have far more serious consequences, so much so that they are supposed to be implemented on a mandatory basis.

So, the draft law supposes to complement article 14 of the Federal Law "On the General Principles of Local Self-Government in the Russian Federation" with part 2 to read as follows: "Issues of Local Significance of a Rural Settlement Include Matters Provided for in Paragraphs 1-3, 9, 10, 12, 14, 17, 19 (except for the use, protection, preservation and reproduction of urban forests, forest of specially protected natural sites located within the boundaries of settlements), 21, 28, 30, 33 part 1 of this article. Other local issues provided for in part 1 of this article, on

the territories of rural settlements are handled by local self-government bodies of corresponding municipalities".

Thus, using just two phrases the authors of the draft law significantly redistributed local issues between rural settlements and municipal areas in favor of the latter. If the law is adopted in this edition the existing delineation of the issues of local significance will be preserved only for urban settlements, rural ones at one time will be deprived more than half provided for by the current law.

On the one hand, there is a certain logic. It is no secret that rural settlements in the Russian Federation in the vast majority are simply unable to adequately provide solutions to all of their local issues because of the lack of necessary material, financial and human resources. The explanatory note to the draft law rightly notes that "currently municipal areas actually carry out not intersettlement powers in respective territories, but resolve instead of settlements a considerable range of their local issues, including through the conclusion of agreements on the transfer of implementation most powers of local self-government bodies of settlements to local self-government bodies of municipal areas" [4].

Entrusting of rural settlements powers to an area looks quite reasonable, the more that the President of the Russian Federation in his Address noted the their insufficient volume of the latter: "area level is actually emasculated. Its powers in the area of education, health, social protection are transferred to the regions».

On the other hand, the remaining powers of rural settlements are so small that inevitably raises the question: is there in such a case a special sense in the support of settlements' managerial structures?

In addition, the transfer to municipal areas in the territories of rural settlements of a number of very significant issues of local significance (arrangement of electricity, heat, natural gas and water supply, water removal, fuel supply within the boundaries of a settlement; road works on the roads of local significance within the boundaries of settlement, and ensuring road safety on them; ensuring residential premises to poor citizens living in settlement, organization of construction and maintenance of municipal housing stock, etc.) does not involve the simultaneous increase of revenues of local budgets (at least, it does not follow from the submitted draft law). After all, the budgets of municipal areas are also not endless.

One more draft law novelty touches upon municipal areas. In accordance with it, it is proposed to make amendments to the part 4 article 35 of the Federal Law "On the General Principles of Local Self-Government in the Russian Federation" and to read it as follows: "Representative body of a municipal area consists

of the heads of the settlements within the municipal area, and of deputies of representative bodies of these settlements, who are elected by representative bodies of settlements from its members in accordance with equal regardless of population representational quota defined in the manner prescribed by the law of a subject of the Russian Federation and the Charter of municipal area".

Thus, municipal areas are offered the only possible way to form the representative bodies of municipalities, which now is alternative and, moreover, not major. By the way, we must say that it had been repeatedly criticized by various specialists [7, 60; 6; 5] as not fully corresponding to the European Charter of local self-government, but finally was recognized by the Supreme Court of the Russian Federation not inconsistent with this document [1].

By itself, the method of forming representative body of municipal areas from delegates of settlements has significant advantages, that is why it is in demand by many municipalities. First, it greatly reduces the price and simplifies the process of forming local self-government bodies in municipal area, allowing them to completely do without municipal elections. Second, it provides a direct interaction between area and settlement authorities, since the representative body of the area includes the heads of settlements and the most active of their deputies, which, as a rule, are actively involved in the implementation of municipal management in the settlement and know its problem well. Third, it reduces the costs of managerial apparatus of representative bodies in area as a whole.

Probably, if the above method would not have flaws – it would be used by all or most municipal areas of the Russian Federation. But there are such flaws. They are due to possible conflict of interest of deputies, who are forced to defend the needs both of area and settlements (not in all cases coincide), lack of time (if settlement head has a main job in the settlement, activity in the role of area deputy will be, likely, perceived by him on leftovers). Not the last role is taken by demographics: the specificity of the majority of Russian municipal areas is that in the administrative center of an area, as a rule, lives a sizeable part of the population (in some cases over 90%). The requirement of equal regardless of settlement population representational quota leads to the fact that the interests of the majority of inhabitants are absolutely represented by deputies' minority.

It is not surprising that only about 10% of municipal areas of the country use the considered method of forming representative bodies. Against this backdrop, the desire of authors of the draft law to impose it to remaining 90% looks strange enough.

Perhaps, the desire of the authors of the draft law to eliminate municipal elections in municipal areas (officially these amendments are offered "in order to strengthen the position of urban and rural settlements in the organization of ensuring the activities of municipal areas, to improve the efficiency of intermunicipal cooperation in municipal areas" [4]) has outweighed all obvious shortcomings of the proposed method. Anyway, the grounds for such conclusion may be given by some other provisions of the draft law, which also aim to reduce the number of cases of direct election of local self-government officials by the population.

So, in article 36 of the Federal Law "On the General Principles of Local Self-Government in the Russian Federation" is offered to enshrine the following provisions:

- the head of municipal area is elected by representative body of the municipal area from its members, exercises the powers of its chairman;
- the head of urban district with intracity division is elected by representative body of the municipality from its members, exercises the powers of its chairman;
- the head of urban settlement is elected by representative body of the settlement from its members, exercises the powers of its chairman;
- the head of intracity area is elected by representative body of the intracity area from its members, exercises the powers of its chairman.

Proceeding from this, it is assumed preserve the direct elections of the head of municipality (except for the cities of federal significance) only in urban districts without intracity division, as well as in rural settlements (where they are currently being carried out very rarely). This position seems to be not meeting the task, which has been put in the Annual Address of the President of the Russian Federation, concerning approaching of local self-government to the population; rather it recalls next "tightening of nuts" and strengthening the vertical of power.

Finally, the last of the most significant – in our opinion – amendments proposed in the draft law concerns the formation of the tender committee in carrying out the contest to fill the position of the head of local administration. If the current legislation provides for certain participation of the representatives of public authorities in formed in municipalities tender committees, the considered draft law suggests strengthening of this participation.

In particular, it contains the following provisions.

In a municipal area, urban district, urban district with intracity division, intracity municipality of a city of federal significance a half of the members of tender committee is appointed by the representative body of corresponding municipality,

and the other half – by the highest official of a subject of the Russian Federation (head of the supreme executive body of State power of a subject of the Russian Federation).

In the case of contest in a municipal area, in which is considered to form local administration of municipal area, which bears the duty to exercise the powers of local administration of settlement that is a center of the mentioned area, one quarter of the members of tender committee is appointed by the representative body of the municipal area, one quarter – by the representative body of the settlement that is a center of the municipal area, and a half – by the highest official of a subject of the Russian Federation (head of the supreme executive body of State power of a subject of the Russian Federation).

In general we can say that the draft law introduced to the State Duma, on the one hand, reduces the possibility of the population to influence on municipal structures (due to the reduction of municipal elections), on the other hand, clearly reduces the independence of local self-government by increasing the powers of the State in this area. Even in those few cases where, under the current legislation, municipalities still have the opportunity to make a choice on the structure and method of forming their bodies, it is offered to deny them this choice.

At that the draft law, as has been noted above, does not mention the financial component of local self-government, while the President of the Russian Federation in his Address directly acknowledged that "the scope of responsibility and resources of municipalities, unfortunately, and you know it well, are not balanced". The explanatory note to the draft law states only that its provisions "do not touch upon any issues of improvement legal regulation of the financial-economic foundations of local self-government. These issues will be regulated by other legislative initiatives". Perhaps it will be so. However, it is all too reminiscent of the situation 2002-03, when during the consideration of a new draft law on local self-government representatives of the President and the Government assured the deputies of the State Duma that after its adoption would be amended tax and budget codes that would give local self-government a sounded financial footing. These amendments were eventually made, but the reality proved to be extremely far from the promised, as a result the local self-government in Russia remained non-independent and financially dependent on the State.

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Frolov I. V.

EFFECTIVNESS CRITERIA OF THE TYPES OF ADMINISTRATIVE-LEGAL MANAGEMENT: THE IMPACT OF A MISSED OUT FACTOR

Frolov Igor' Valentinovich,
c.j.s. (PhD in law), Head of the Chair of labor, land and financial law at Novosibirsk Law Institute (branch) of National Research Tomsk State University, Associate professor,
lex-sib@mail.ru

Noted that a literal interpretation of the norms of Russian legislation raises significant contradictions between the tasks of power, tasks of the State, public expectations and socio-economic needs of the population.

Four basic types of administrative-legal management are formed and disclosed in the article.

The author concludes that the quality of the effectiveness of administrative-legal management is significantly influenced by a "missed out factor" – the nature of the feedback of an authorized subject of management with obligated subject of this management.

Keywords: administrative-legal management, subject of management, object of management, types of administrative-legal management, effectiveness of management, effectiveness criteria of management.

Opinion that the theory of administrative-legal management and performance criteria for this type of management can be based not on a real management, but on some theoretical assumptions [23; 24]: the assumption of public, social and private interests, their mutual influence and incidence, is pretty controversial. In our opinion theoretical models must: (a) have such property as reality; b) have elements of performance. The basic criterion for any theory must be its adequacy [25; 26]. This raises a number of questions. Can a theory be at odds with reality [21: 22]? Must a theoretical model describe the reality? If yes, to what extent?

To answer these questions, it should be noted that the current state of public and especially of administrative-legal management in Russian society has formed a critical attitude both to the rules and criteria of administrative management. There has been formed a situation in modern Russia, which shows obvious inability of the authorities to implement effectively their functions in the field of public administration, because the authorities, having destroyed the old command-administrative system, has not established a corresponding alternative [1, 27-28]. That is why this raises a number of questions. What are the criteria of management efficiency and optimality? What is the mechanism of impact of public administration on socio-economic processes in the society?

Assuming that power, management and socioeconomic processes in society are coordinated through the institute of national law. Consequently, the law is a systemic regulator and indicator of the efficiency of public administration, including in economic sphere. At that, it is generally accepted that the key element of the Russian law is the legislation. Critical society's condemnation of basic legal institutes and the lack of developed legal thinking in their entirety create obstacles in the formation of positive society's expectations concerning law as a social regulator. According to A. E. Leist, that is why there is a situation in which "in many wishes to adopt new laws their guarantor is seen not in the form of court with democratic procedure, with strict observance of human rights, with the guarantees of reaching objective truth on a case and inevitability law-enforcement process, but in something like the figure of a strong-willed and authoritative administrator with unrestricted freedom of discretion and the right derivative coercion" [6, 330]. These trends have formed a negative society's attitude to the normatively established management order that manifests in a negative attitude to the law in general and to administrative-legal management in particular.

Disadvantages of functioning of state and municipal authorities, shortcomings in the mechanisms of management of society and socio-political processes in it are manifested not so much in law, as in the institutional "shell" of the triad of

public authority, management, socio-economic state of society, as in the consequences of enforcement. This is manifested in the fact that a literal interpretation of Russian legislation norms raises significant contradictions between the tasks of authorities, the tasks of the State, public expectations and socio-economic needs of the population.

There is a well-grounded position of Yu. V. Romants that "if a literal interpretation of norms generates a morally flawed situation, it means that it does not reveal the actual content of the norm" [14, 228], prevents the achievement of positive justice, distorts the essence of law and destroys legal foundations, and, therefore, the law enforcer shall use other mechanisms of legal regulation and legal techniques and rulemaking concepts.

These circumstances, taken together, form a need for improvement the mechanisms of state-authoritative management and strengthening of their positive impact on society and the field of economy. However, as we have already determined, it cannot be without real and effective functioning of the State, without its legal system and, first of all, without high-quality public-legal management. The power and law are the creatures of the whole society and in their unity define the ideology of society development, however, the specificity of this development is determined by society mentality and culture [16, 72]. Society and the State develop, and in their development they influence each other. All this creates a need for exploring the dynamics of formation of administrative-legal management and, in particular, for the study of development evolution of public administration in the State and the nature of its impact on the economic sphere. Earlier, O. E. Leist drew attention to the fact that "in all its essential properties the law depends on the State, up to the fact that the credibility of law is predetermined by the credibility of the State, its attitude to created law, the degree of positivity of public services, strength (or weakness) of the very State" [6, 147]. This paper includes an attempt to study the development dynamics of public management within the framework of administrative-legal management. To analyze the nature and understand the systemic concepts we should consider administrative-legal management as a special kind of social system with properties of organization and systematization [9, 61-68]. At that, it should be borne in mind that this type of management has basic patterns identified by D. A. Pospelov [13], V. P. Shemetov [20] and P. Senge [11]. Analysis of these patterns allows us to generate four basic types of administrative-legal management, namely:

1) Direct administrative-legal management of mandative type.

2) Administrative-legal management with feedback elements.

3) Model system of administrative-legal management of adaptive type.

4) Administrative-legal management system of reflexive type.

At that, it should be noted that these types have their own structure, duration (time period) of dominant influence on the system of public administration and their place in dynamics and system of state public management of a corresponding rule of law.

Let's pay attention to the peculiarities and specific features of management types that we have distinguished.

1) Direct administrative-legal management of mandative type. Under this type of management we should understand the mechanism of imperative orders from the subject to the object of management as a core element of management actions. The object of management, its interests, motivations and reactions to the imperative orders of authoritative subject are outside the interests of the authoritative subject, are not taken into account by the latest in its authoritative-managerial activity. For managing subject of this type the dominant objectives may be: 1) obtrusion on management object of a certain type of conduct in an optimal manner, with minimal functional costs; 2) overcoming the critical point of life-sustaining activity of management subject through use the resources of management object; 3) search of strategy for management on the principle of "exploratory attack" with the admissible probability of cessation of functioning (destruction) of management object. The specified type of management system refers to systems with open type of management where an authoritative imperative decree has the nature of "hard" order for management object. In such type of management the legal system of the State is closed to perception of any information both from the managed object and from the society. Public power system in this type of management does not react on occurring changes resulting from such managerial impact. In a State, with the dominance of the specified type of management, cannot operate civil society with all its attributes (developed democracy; legal protection of citizens; social self-government; mechanisms for the protection of human rights and freedoms; pluralism of opinions; advanced civil culture; free competition). Elements of civil society in the specified hard system of direct management of mandative type, as a rule, have not been formed yet, either, for the interests of management subject, must be suppressed. With this type of management, the society, in order to compensate for the negative effects of management, is forced to gradually establish and develop its alternative system of relations regulation, which is independent from the formal legal system. In this case, one should agree with the opinion of P. A. Zelenskii that there is a possibility of emerging the processes "of forming the

so-called "shadow law", by which the society, not relying on the State, is trying to meet their own needs" [3, 4]. Legal relations of this type of administrative-legal management are characterized by the following properties: lack of flexibility of the organizational structure of management; Caesarism in control system; absolute centralism in decision-making; rigid hierarchy of power. In this type of management the structure of public management is distinguished by the presence of functional versatility of the bureaucratic structure of three types: linear structure of administrative-legal management; functional structure of administrative-legal management; linear-functional structure of administrative-legal management.

Linear structure of administrative-legal management is characterized by the concentration of managerial powers in a single center (body), and management objects are subordinate to one managerial subject. The strong points of this management structure include one-man management, easiness of management, and absence of managerial functions duplication. Disadvantages of this management structure include centralism in decision-making and problem of managerial competence, as well as a significant increase in the volume of information and the adequacy of its perception by management subject.

Functional structure of administrative-legal management is characterized by the allocation of managerial powers in certain areas of activity; as a result the managerial powers are allocated among specially appointed (created) competent entities (bodies) of management. The strong points of this management structure include the formation of a team of specialists with skills and endowed with certain administrative jurisdictions within a strictly defined field, and subordination of these specialists to a single entity. A significant advantage of this management structure is the introduction of professionalism elements in decision-making. Disadvantages of this management structure include vague allocation of managerial functions and the possibility of contradictions in the realization of goals and objectives of "their" divisions to the detriment of management in other areas.

Linear-functional structure of administrative-legal management is characterized by the compound of linear management system and the separation in it of functional structure of managerial jurisdiction. This management structure preserves the principle of one-man management, but managerial decrees are received by management object from various managerial bodies, which have basic competencies and skills in certain fields of activity. Advantages of this management structure include the fact that the highest management body delegates part of its managerial jurisdictions to specially created competent authorities with the subsequent mechanism of monitoring over their implementation. In turn, the functional management

subjects by themselves exercise a part of their managerial competences, and other part is implemented through the mechanisms proposed to top management. Top management, while maintaining a rigid hierarchy of authority, regulates the tactics managerial impacts in separate fields of activity with a view to their coordination and adequacy to the strategic interests of the entire management system. Disadvantages of this management structure include the expansion of management apparatus, significant funding increases, complication of authoritarian management structure.

2) Administrative-legal management with feedback elements.

This type of administrative-legal management is introduced an entirely new element – *feedback*, which introduces correlation dependence of management on consequences of inconsistencies of managerial impact results with the previously specified parameters. At that, the mechanisms of administrative-legal management are adjusted by monitoring over the change of behavior of management object as a result of managerial impact. In this type of management the management structure is complicated through the separation of functions of management and functions of control and oversight. If in the direct administrative-legal management of mandative type the management absorbs control and oversight, and any management includes hard control and oversight over its execution with the right of instant administrative suppression of any deviations from the expected result, then *administrative-legal management with feedback* is introduced an additional subject – supervisory authority, which receives special control and supervisory powers. These powers are implemented in the possibility of supervisory authorities to monitor not only the conduct of management objects as a result of managerial activity, but, above all, to identify performance (usefulness) parameters [15, 233-238] and social indicators of management impact [18, 75-81]. When this type of public management, supervisory authorities form the so-called *feedback* that allows us to speak about the closed-loop management, due to which management subject receives feedback about the state of management object, about the implementation of managerial command. Feedbacks, according to A. A. Mamedov, are "indicator, allowing not only to capture the effect of managerial impact that has a place, but also to define new management tasks" [10, 4]. In the system of administrative-legal management with feedback elements the role of supervisory authorities is reduced primarily to oversight activity for actual identification of inconsistencies of management results with predetermined objectives and differentiation of this discrepancy into: significant discrepancy, which involves application of legal sanctions; insignificant discrepancy entailing linear adjustment of managerial decree. However, it should

be recognized that administrative-legal management with feedback elements (the second type of management) automatically switches to direct administrative-legal management of mandative type (the first type of management) unless specific final objectives of managerial impact are normatively established. In situations where such objectives are not established, and the management is implemented for the sake of process of management itself, feedback system as a closed loop management will not work.

3) Model system of administrative-legal management of adaptive type.

Structure of model system of management is used in this type of administrative-legal management [13]. This type of management systems is capable of responding to the objective and subjective impacts by objects and taking into account the socio-economic consequences of management on relevant public relations. In this type of management, relations arising from the results of managerial impact are considered as external environment of public management itself. The significant difference of this type of management from direct administrative-legal management of mandative type (the first type of management) is that this type of management refers to the management of the closed-loop system of impact, because, in addition to direct impact of subject on object of management, management process depends on the conduct of management subject and the nature of its response to managerial orders, which, in turn, depend on the methods of influence of management on the interests of all members of managerial relations. A *key difference of the model system* of administrative-legal management of adaptive type from administrative-legal *management with feedback elements* (the second type of management) is the nature of feedback. So, if the second type of management has the mechanism of linear dependency of management on the consequences of managerial impact results discrepancy with previously specified parameters, then the model system of administrative-legal management fundamentally *changes the nature of feedback*, in which direct feedback is replaced by the multi-level connection of adaptive nature. At that the adaptive nature of feedback involves not just taking into account the conduct of management subject under the influence of authoritative imperative orders, but the study of management object in interrelation with its socio-economic indicators and legal environment of its functioning. In the process of public management of adaptive type they carefully study management object, the basic elements of its life, and the legal algorithms of functioning in economic turnover. The system of adaptive type provides in advance a list of essential algorithms of managerial actions aimed at analyzing the nature of socio-economic relations accompanying management mechanisms and varying

according to the level of achievement of management objectives. Thus, in the adaptive type of administrative-legal management the essential elements of management are: management subjects; supervisory authorities, jurisdiction of which allows them to register the conduct of management subjects, as well as the usefulness and assessment of managerial impact; mechanisms for the study of management objects' conduct; system of monitoring bodies.

4) Administrative-legal management system of reflexive type.

In this type of management the entire system of normative regulation of public management is recognized as a kind of reflexive system that has the following properties: ability to legally identify itself; ability to variably define its management strategy; the possibility of self-regulation; self-monitoring elements; ability to put tactical managerial objectives and to assess its performance; ability to adjust the functions of management subject depending on the dynamic of changes in status and state of management object; ability to change management structure with taking into account changes of legal status, social and economic system. The main theoretical mechanisms of reflexive type of management and application of this type of management in law were formulated by V. A. Lefevr in his "Lectures on the Theory of Reflexive Games" [8, 160-163], and also were reflected in the works of a number of modern scholars [2, 160-163; 19, 44, 59, 64; 3, 2-4; 5, 13-15; 12, 49-50; 17, 21-22]. Unlike the system of administrative-legal management with feedback elements (the second type of management) and system of adaptive type of management (the third type of management), which should be attributed to a *complex self-regulating management systems*, the system of administrative-legal management of reflexive type refers to self-developing systems [35, 7]. The key factor of reflexive type of administrative-legal management, which influences assessment of managerial impact, is not so much the management process implemented in corresponding procedural form, not so much the results of law enforcement activity, but the perception of and response to the managerial impact of management object. That is why the managerial conflicts, including in the financial and economic sphere, are resolved by reflexion of participants to managerial relations through taking into account in these legal relations of the two basic postulates. First, the rule that the maximum benefits from managerial actions are obtained by the party to managerial legal relations who can anticipate the actions of other participants in the management system and therefore has the opportunity to build a tool for comprehensive assessment of its long-term prospects. Second, the rule that the main backbone management factor is not the management process, but the conduct of management subject, which exactly forms

the final results of all management system depending on its efficiency and effectiveness in achieving pre-set goals.

On the basis of the foregoing, we may make an assumption that the quality of the effectiveness of administrative-legal management is significantly influenced by an *earlier missed out factor*, namely: the nature of the feedback of an authorized subject of management with obligated subject of this management, as well as the system of interdependencies of impact of managed on conduct of obliged person through mechanisms for resolving corresponding conflict of interest of an authoritative subject over subordinated one.

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Kizilov V. V.

TERMINATION OF PROCEEDINGS CONCERNING THE CASE OF BRINGING TO ADMINISTRATIVE RESPONSIBILITY: REIMBURSEMENT OF COURT COSTS

Kizilov Viacheslav Vladimirovich,
c.j.s. (PhD in law), Editor in chief of the magazine "The topical Issues of Public Law", Omsk,
attorney1961@mail.ru

Here are noted different approaches of the Russian legislator to the definition of litigation costs in different types of proceedings, as well as the grounds for termination of proceedings.

The author criticizes normative regulation of the issues of litigation costs allocation in the Code on Administrative Offences of the RF. He proposes and justifies the unification of normative regulation of the issue of court costs allocation in administrative court procedure by analogy with arbitration court procedure.

Keywords: administrative court procedure, court costs, litigation costs, a case on administrative offence, a case on bringing to administrative responsibility, reimbursement of court costs, reimbursement of litigation costs.

In accordance with the Code on Administrative Offences of the RF (hereinafter – CAO RF) [4], in the courts of the Russian Federation may be pending the cases of bringing to administrative responsibility with compositions of administrative offenses relating both to the exclusive competence of judicial bodies to consider cases on administrative offenses (see part 1, 3 article 23.1 CAO RF) and alternative competence if the authority or official, which received a case on administrative offence, transfers it to the judge (see part 2 article 23.1 CAO RF). Moreover,

the procedure of administration of justice itself within the framework of initiated case on administrative offense is regulated, in addition to CAO RF, by "departmental" procedural laws of Civil Procedure Code of the RF (CPC RF) [3] and Arbitration Procedure Code of the RF (APC RF) [1].

Significant legal provisions of CAO RF affecting the administration of justice in the courts of general jurisdiction and arbitration courts, in our opinion, are enclosed in the norms of article 24.5. "Circumstances Precluding Proceedings on a Case Concerning an Administrative Offense", which contains the specific grounds for termination of proceedings (if the grounds specified in the CPC RF and APC RF are considered general).

These circumstances include:

1) absence of occurrence of an administrative offence;

2) absence of formal components of an administrative offence, including where a natural person has not attained, by the moment of committing unlawful actions (omissions), the age provided for by this Code for holding him administratively responsible, or where a natural person, who has committed unlawful actions, is insane;

3) actions of a person in a state of extreme necessity;

4) issue of an amnesty act where such act eliminates the imposition of an administrative penalty;

5) repeal of the law establishing administrative responsibility;

6) expiration of a limitation period for holding anyone administratively responsible;

7) presence in respect of one and the same fact of committing unlawful actions (omissions) by a person, who is put on trial in connection with an administrative offence, of a decision to impose an administrative penalty, or of a decision to terminate proceedings on a case concerning an administrative offence, or of a decision to initiate criminal proceedings against him;

8) death of a natural person who is put on trial in connection with an administrative offence.

9) classification of a person, who has committed an administrative offence, as a special subject that should be brought to disciplinary responsibility under part 1 article 2.5 CAO RF.

These circumstances, in our opinion, relate both to procedural aspects and to material ones, and, therefore, cannot be equated with the grounds for termination of proceedings on a case in an arbitration process and judicial process in the courts of general jurisdiction.

For example, APC RF links the termination of proceedings (see article 150 APC RF) in arbitration courts with the determination during a court hearing of the following circumstances:

1) the case is not subject to consideration by an arbitration court;

2) there exists a judicial act of an arbitration court, of a court of general jurisdiction or of a competent court of a foreign state, adopted on a dispute between the same persons, on the same subject matter and on the same grounds, with the exception of cases, where the arbitration court refuses to recognize and enforce the judgment of the foreign court;

3) there is decision of an arbitration tribunal made on the dispute between the same persons, on the same subject matter and on the same grounds, with the exception of cases, where the arbitration court refuses to issue a writ of execution for the compulsory execution of the arbitration tribunal decision;

4) the plaintiff has renounced the claim and the renunciation was accepted by arbitration court

court;

5) an organization, which is a party to the case, has been liquidated;

6) after the death of an individual, who has been a party to the case, the disputed legal relation does not allow legal succession;

7) If there is an effective arbitration court or general jurisdiction court decision on a previously considered case, in which the conformity of the disputed act to a normative legal act of greater legal force was checked on the same grounds (see part 7 article 194 APC RF).

Only when the given circumstances are identified, an arbitration court without considering a case on the merits shall issue a ruling to terminate the proceedings, with all the consequences that come with it.

Analysis of the norms of APC RF concerning other cases, which involve the possibility of terminating proceedings, did not reveal the presence of similar with CAO RF (article 25.4) grounds for termination of proceedings on a case executed by a court ruling.

Considering the provisions of part 6 article 205, part 2 article 206 APC RF, it can be concluded that in arbitration proceedings on case of an administrative offence the circumstances established by the court – *the lack of the fact of an administrative offense; no confirmation that it is committed by a person in respect of whom the protocol of administrative offense has been drawn up; absence of a ground for drawing up the protocol on administrative offense and powers of an administrative body that has prepared the protocol; absence of administrative responsibility for the commission*

of such offense; lack of grounds for bringing to administrative responsibility of a person against whom the protocol has been drawn up – lead to failure to meet the demand of an administrative body concerning bringing to administrative responsibility.

Thus, despite the fact that CAO RF operates with the concept of "termination of proceedings" in the above mentioned case, the outcome of the arbitration process will be the making of decision not to bring an accused of committing an administrative offence to administrative responsibility, but not the making a ruling to terminate the proceedings under article 151 APC RF. The resolutory and reasoning part of a judicial act in this case shall reflect the reason for the refusal of bringing to administrative responsibility, including grounds for termination of proceedings with reference to article 24.5 CAO RF

Existence of the decision of an arbitration court (or any other judicial act of superior instances of arbitration court that resolves the case on the merits) allows a person, who has not been brought to administrative responsibility, to claim for compensation the costs incurred on the basis of article 110 APC RF.

In absolutely another way the legislator has come to normative regulation of judicial process in the cases of bringing to administrative responsibility, considered in the courts of general jurisdiction. And the main difference is that arbitration court is not actually a body of administrative justice. In cases arising from public legal relations, including in cases of bringing to administrative responsibility, arbitration court is a judicial body that evaluates and accept the legal position of one of the parties participating in the process, while the court of general jurisdiction in cases of bringing to administrative responsibility acts as a body exercising administrative justice and pursuing the offender. The Courts of general jurisdiction (justices of the peace) are in ambivalent position. According to CPC RF, they should administer justice, according to CAO RF, they should prosecute the perpetrator while protecting the interests of the public party to judicial process at first instance.

We believe that this duality of the status of judges is the cause of insistent demands of the legal community in the formation of separate administrative courts, the purpose of which is not to administer justice, but administrative non-departmental judicial prosecution of offenders for administrative offenses. Development and adoption of the Code of Administrative Court Procedure without forming separate administrative courts (outside the structure of courts of general jurisdiction), in our opinion, will not solve the issue of conflict of court position dualism in cases relating to bringing to administrative responsibility.

At present, CPC RF provides the following general grounds for the cessation of proceedings:

- the case is not subject to consideration and resolving in court in civil proceedings on the grounds provided for in paragraph 1 part one article 134 of CPC RF (an application is not subject to review and resolving in civil proceedings, since the application is being considered and resolved in another judicial procedure; an application is filed to protect the rights, freedoms or legitimate interests of another person by state body, local self-government body, organization or citizen that is not granted such a right by CPC RF or by other federal laws; an application, filed in one's own name, contests acts, which do not affect the rights, freedoms or legitimate interests of the applicant);
- there is an entered into legal force and court decision taken on the dispute between the same parties, concerning the same subject matter and on the same grounds or a court ruling to terminate the proceedings in connection with a retraxit or settlement agreement of the parties;
- plaintiff has renounced the claim and the renunciation is accepted by court;
- parties enter into a settlement agreement and it is approved by court;
- there is a decision of arbitration tribunal, which has become binding on the parties, that has been adopted on the dispute between the same persons, on the same subject matter and on the same grounds, with the exception of cases, where court refuses to issue a writ of execution for the compulsory execution of the arbitration tribunal decision;
- after the death of an individual, who was a party to the case, the disputed legal relation does not allow legal succession or liquidation of an organization, which was one of the parties in a case, is completed (see article 220 CPC RF).

However, in respect of proceedings on cases arising from public legal relations, there is another rule of termination the proceedings – proceedings shall be terminated if there is a decision of court taken on an application concerning the same subject matter and entered into legal force (see article 248 CPC RF).

Similarly to arbitration process in the courts of general jurisdiction proceedings are terminated by the decision of court, which states that a repeated going to court concerning a dispute between the same parties, on the same subject matter and on the same grounds is not allowed (see article 221 CPC RF).

Despite the fact that the judgment of the court of first instance, which resolves a case on the merits, shall be taken by the Russian Federation in the form of a court decision (see article 194 CPC RF), CAO RF for cases concerning bringing to administrative responsibility provides for another form of judicial act – resolution

(see articles of CAO RF). And due to the fact that there is no such kind of dispute (case) as bringing to administrative responsibility in article 245 CPC RF in list of cases arising from public legal relations, the court of general jurisdiction (justice of the peace) considers the matter in accordance with the rules of CAO RF, and the norms of CPC RF it applies only in case of unsettlement any matter under the norms of CAO RF. I.e., for the court of general jurisdiction the basic procedural act in a case of bringing to administrative responsibility is CAO RF and in the missing part (subsidiary) – CPC RF.

This rule is enshrined by provisions of part 1 article 246 CPC RF.

"1. Cases arising from public legal relations are considered and resolved by a judge alone, and in cases stipulated by a federal law jointly under general rules of action proceedings with the peculiarities specified in the present chapter, chapters 24-26.2 of this Code and *other federal laws*".

Reference rule on "other federal laws" provides for the possibility to apply procedural norms of CAO RF in proceedings in the courts of general jurisdiction, including article 29.1 "Preparation for Hearing a Case Concerning an Administrative Offence":

"A judge, body, or official, when preparing for consideration of a case concerning an administrative offence, shall clarify the following issues:

1) whether consideration of this case is within the scope of their jurisdiction;

2) whether there are circumstances precluding the possibility of trying this case by the judge, member of the collegiate body, or official;

3) whether a record of an administrative offence and other records provided for by this Code, are drawn up correctly, as well as whether other materials of the case are formalized in the correct way;

4) ***whether there are circumstances precluding proceedings on the case****;*

5) whether the materials of the case are sufficient for considering it on its merits;

6) whether there are petitions and recusations".

And in the case of circumstances provided for in article 24.5 CAO RF, the court takes the decision to terminate proceedings on administrative offence (see part 2 article 29.4 CAO RF). This judicial act is not provided for by the norms of CPC RF, which govern the order for allocation of court costs, and CAO RF norms on the composition of judicial costs (article 24.7) are not identical with the relevant norms of CPC RF. List of expenditures attributable to judicial costs under CAO RF is short enough, and these costs do not include the cost of lawyer services or other person involved in the proceedings as a defense attorney. The Plenary Session of the Supreme Court of the RF focused attention on this fact [6]. However, the court

of last resort admits: "Since in the case of refusal to bring a person to administrative responsibility or meeting its appeal against the resolution of bringing to administrative responsibility this person is suffered due to the expenditures for the cost of services of a person who has provided legal assistance, these costs on the basis of articles 15, 1069, 1070 of the Civil Code of the RF may be recovered in favor of the person at the expense of the relevant treasury (treasury of the Russian Federation, the Treasury of a subject of the Russian Federation)" [6].

Thus, an acquittal on the case of bringing to administrative responsibility (including concerning termination of proceedings irrespective of termination grounds) issued by the court of general jurisdiction, provides this acquitted person the ability to state a claim for damages associated with the proceedings on bringing to administrative responsibility, but not included in judicial costs. But we should not forget that the possibility to recover is not the same to recovery itself.

The fact is that article 1069 of the Civil Code of the RF [2] provides for reimbursement for the harm inflicted to a citizen or legal person only as a result of illegal actions (inactivity) of state bodies, local self-government bodies or officials of these bodies. And part 1 article 1070 of the Civil Code of the RF provides for reimbursement for harm inflicted by special subjects of law (bodies of inquiry, preliminary investigation, prosecution and court) in special cases of administrative-legal disputes – unlawful bringing of an individual to administrative responsibility in the form of administrative arrest, as well as unlawful bringing of a legal person to administrative responsibility in the form of administrative suspension of activity. I.e., in the case of reimbursement for harm inflicted by bringing of plaintiff to administrative responsibility that has been voided in the process of administrative proceedings, the court must establish the illegality in actions of an administrative jurisdiction body or its official, who drew up the report of administrative offence, to make a positive decision on the claim.

Analysis of the circumstances that exclude proceedings on case of administrative offence (article 24.5 CAO RF) indicates that in the event of termination of proceedings on the case of bringing to administrative responsibility on such ground as expiry of the period of limitation for bringing to administrative responsibility, the court that hears the claim against administrative jurisdiction body concerning reimbursement of harm, in fact, will have to get into all the circumstances of the terminated case of bringing the plaintiff to administrative responsibility to determine the presence or absence of unlawful action in drawing up the protocol on administrative offence, the presence or absence of an event or composition of administrative offence.

Thus, a case of bringing to administrative responsibility that is terminated by the ground of expiry of the period of limitation for bringing to administrative responsibility in one court procedure (administrative) will begin (continue) its new life in other court procedure (civil). The above case on bringing to administrative responsibility, in our opinion, does not have prejudicial features due to the fact that the court ceases proceedings, without considering the presence of other, under article 24.5 CAO RF, circumstances, choosing the path of the least resistance – determination of one procedural circumstance (expiry of the period of limitation).

We believe that the introduction of norm, which obliges to reflect in judicial act the presence or lack of all the circumstances established by the norm of article 24.5 CAO RF, only would strengthen the judicial act and simplify the administration of justice on cases of reimbursement for damages demanded from administrative jurisdiction bodies, since already in the resolution to dismiss the case on bringing to administrative responsibility would contain the court's conclusions on legal facts significant for taking decision in action proceedings concerning recovery or refusal the sums of cost of services of a person who has provided legal assistance to the plaintiff in administrative court procedure.

There are cases of ignoring direct orders of a superior judicial body by the justices of peace, despite the fact that paragraph 13.1 of the Resolution of the Plenum of the Supreme Court of the RF No. 5 from March 24, 2005 indicates that in the resolution on termination the proceedings on the grounds of expiry of the period of limitation for bringing to administrative responsibility "should be mentioned all the circumstances identified on the case, and not only ones related to the expiry of the period of limitation for bringing to administrative responsibility" (based on the provisions laid down in paragraph 4 part 1 article 29.10 CAO RF), and the person, in respect of which a protocol on administrative offense has been drawn up, insisting on its innocence "in order to ensure judicial protection of the rights and freedoms of this person (part 3 article 30.6, part 3 article 30.9 CAO RF) cannot be denied in the testing and evaluation of arguments about the lack in its actions (inaction) of an administrative offense composition".

For example, in the case considered by the justice of the peace of Judicial District No. 11, city of Engels (Saratov region), in respect of LLC "Signal-Nedvizhimost'"concerning an administrative offense under article 19.7 CAO RF, initially was made a resolution from April 15, 2013 on the case No. 5-176/2013 [7], by which the justice of the peace brought LLC "Signal-Nedvizhimost'" to administrative responsibility through seeing it guilty of administrative offense incriminated by the Federal Service for Alcohol Market Regulation.

However, this resolution was canceled in appeals instance by Engels District Court on May 31, 2013 [8] under articles 1.6, 24.1 CAO RF on the following grounds:

- "there is no any evaluation of the mentioned in the protocol of administrative offence event of administrative offence, which is incriminated to LLC "Signal-Nedvizhimost'", in the resolution of the justice of the peace";
- "there are no conclusions of the Court, in which it has rejected the circumstances laid down in the protocol on the fact of failure of LLC "Signal-Nedvizhimost'" to submit within 24 hours electronic copy of the declaration under sub-paragraph 3 paragraph 4 article 14 of the Federal Law No. 171-FL from 22.11.1995 "On State Regulation of Production and Turnover of Ethyl Alcohol and Alcohol-containing Products and on Restriction of Consumption (Drinking) Alcohol Products" and has come to the conclusion that LLC "Signal-Nedvizhimost'" violated the terms for submitting declarations about the volume of production, turnover and (or) use of ethyl alcohol and alcohol-containing products, about the use of production capacity, as an organization implementing retail sale of beer and beer beverages, which has not been incriminated to LLC "Signal-Nedvizhimost'" by an official";
- "the justice of the peace has not adequately set out its arguments, on which it concluded on calculation of the terms of declaration submission (period calculated in working days or calendar ones). At that, it has not taken into account that at calculation of time terms, calculated either in working days or in calendar ones, weekends and public holidays are not counted";
- "the justice of the peace has admitted a substantial violation of procedural norms of CAO RF, which has not allowed complete, objective and comprehensive consideration of the present case".

The case of administrative offence of LLC "Signal-Nedvizhimost'" that was transferred to the justice of the peace for a retrial was ceased by the proceedings on the case of June 19, 2013 on the ground of the expiry of the period of limitation with reference to the unconditionality of this circumstance:

"In accordance with clause 14 of the Resolution of the Plenary Session of the Supreme Court of the Russian Federation No. 5 from March 24, 2005 "On some Issues that Arise in Courts when applying the Code on Administrative Offences of the RF" expiration of the established by article 4.5 CAO RF periods of limitation for bringing to administrative responsibility is unconditional basis that excludes proceedings on a case of administrative offence (paragraph 6 part 1 article 24.5 CAO RF)" [9].

In our example the justice of the peace having received the abolition of its wrongful judicial act, avoided a retrial in order not to "give a leathering" to itself, although in objection to the protocol on administrative offence and in subsequent court documents LLC "Signal-Nedvizhimost'" with stubborn persistence insisted on termination of proceedings on the basis of part 1 article 24.5 CAO RF (exonerative ground).

The presence of reference to paragraph 14 of the Resolution the Plenary Session of the Supreme Court of the Russian Federation No. 5 from March 24, 2005 in the judicial act of the justice of the peace, in our opinion, indicates that the judge is also aware of the content of paragraph 13.1 of the mentioned Resolution. However, the justice of the peace evaded from determination of a legal fact "that the actions of the person, in respect of whom a report on administrative offence has been drawn up, do not contain the composition of administrative offence or the very event of administrative offence, and did not issued a decision on the termination of proceedings pursuant to paragraph 1 or paragraph 2 of article 24.5 CAO RF.

It seems to us, that the absence in CAO RF of norms of direct actions contributes to the subjective perception, interpretation and application by justices of the peace of not only law norms, but also mandatory for application the higher judiciary's acts reflecting the legal position regarding the enforcement of federal laws.

Therefore, in our view, article 24.5 CAO RF should be amended through inclusion in it part 3 as follows:

"3. Proceedings on a case of administrative offense shall be terminated in connection with the circumstance provided for in paragraph 6) of part 1 of this article only in the absence of other circumstances specified in part 1 of this article. In all other cases, the case proceedings are to be terminated on the basis of identified circumstances from the list of paragraphs 1)-5), 7) and 8) of part 1 of this article".

As for judicial costs, it should be noted that the legislator differently approached the issue of their determination in various legal proceedings. Allowing identical rules in the arbitration and civil court procedure, the list of types of costs, included in judicial costs, has been significantly shortened in administrative court procedure (although in CAO RF consider costs of any proceedings on case of administrative offence).

In our view, the exclusion from judicial costs the expenditures on payment the services of a person providing legal assistance to an accused in committing an administrative offence is hardly justified, and creates an additional burden on the judicial system (courts of general jurisdiction).

In the comparison of court proceedings on a case of bringing to administrative responsibility, which takes place in arbitration courts and case of administrative offence in the courts of general jurisdiction, in our view, the logical simplicity and rationality of process's upbuilding in arbitration courts is in better position than process in the courts of general jurisdiction.

The issue of distribution of court costs in arbitration courts is resolved by that court (judge), who was considering the case of bringing to administrative responsibility, while the court of general jurisdiction, which considered the case of administrative offense, determines the fate of the costs on the case only within the scope of: 1) sums payable to witnesses, victims, their legal representatives, attesting witnesses, experts, specialists, interpreters, including payments to cover the cost of travel, the rent of residential premises and additional costs associated with living outside the place of residence (per diem); 2) sums spent on storage, transportation (shipping) and the study of material evidence, instrument of crime or subject of an administrative offense. Amounts expended for salaries of a person who provides legal assistance to accused of committing an administrative offence shall be compensated in another judicial process – civil one considered within adversary proceedings. And in this case, one more general jurisdiction court must go into all the niceties of a case of administrative offence to resolve the issue of compensation to a person previously accused of committing an administrative offence.

We believe, that the legislator, not including into judicial costs in a case of administrative offense the expenditures on salary of a person providing legal assistance to the accused of committing an administrative offence, was guided by good intentions – to prevent the financial burden on the treasury, which is possible due to weak legal training of administrative jurisdiction representatives and as a result a large number of lost judicial processes in cases of administrative offences of persons whose interests are protected by professional advocates, lawyers and law firms. However, winning in another proceedings (arising from administrative court procedure) a lawsuit with property claims, a person previously accused of administrative offence is entitled to represent judicial costs incurred already in this civil court procedure under norms of CPC RF.

It is expedient on the basis of the provisions of APC RF to bring to unification the norms on court costs and their allocation in all types of court procedure. In our view, it is possible to remove the conflict of various procedural laws' norms through making the following addition to article 24.7 CAO RF:

"*5. In the case of proceedings on case of administrative offence in the courts of general jurisdiction and arbitration courts, the costs on the case of administrative*

offence and the order of their distribution are determined by the relevant norms of CPC RF and APC RF on the composition and allocation of judicial costs".

Until then, let's hope that the courts of general jurisdiction would strictly follow the legal position of the Constitutional Court of the Russian Federation in terms of reimbursement set out in paragraph 6 of the Resolution No. 9-P from June 16, 2009:

«…waiver of administrative prosecution in connection with the expiration of the statute of limitations for bringing to administrative responsibility cannot impede the realization of the right to reparation for harm inflicted by the unlawful actions of officials, committed in proceedings on a case of administrative offence. Dismissal of a case is not an obstacle for the establishment in other procedures of neither a person's guilt as a basis for bringing it to civil responsibility or its innocence, nor illegality of administrative prosecution that has taken place in respect of a person in case if harm has been inflicted to it: the controversy concerning reimbursement of harm inflicted by administrative prosecution and concerning reimbursement for moral damage or, on the contrary, concerning recovery of property and moral damage in favor of the victim of an administrative offense are settled in court in civil proceedings (article 4.7 CAO RF).

A person, who has been brought to administrative responsibility, is involved in such a dispute not as a subject of public law, but as a subject of private law and can prove its innocence and suffered damages in the procedure of civil proceedings. Thus, the presentation of relevant demands not in administrative proceedings, but in other judicial procedure can lead to the recognition of illegal the actions of bodies that carried out the administrative prosecution, including the application by them of measures to ensure the proceedings on a case of administrative offense, and to a decision on compensation for damages.

In any case, the termination of proceedings on a case of administrative offence because the statute of limitation of bringing to administrative responsibility has expired cannot prevent the use of the materials of the case as evidence in any other proceedings. However, since the decision to terminate the proceedings on a case of administrative offence specifies circumstances, which have been determined during consideration of the case (paragraph 4 part 1 article 29.10 CAO RF), then, as follows from part 2 article 30.7 CAO RF that applies this rule to resolutions concerning complaints against decisions on cases of administrative offences, these circumstances also have to be verified in the prescribed manner when dealing with complaints about the decision to terminate proceedings on a case of administrative offence.

Denial of the assessment of these circumstances to a person complaining against the relevant decision, including the circumstances proving unfounded conclusions of

jurisdictional body on the presence in actions of these person of an administrative offence composition, would be, in essence, a denial of the right to judicial protection, at that, the Law expressly obliges a judge, a superior official in dealing with complaints against the decision on a case of administrative offence to check it in full, just as in the case of subsequent revision of decision made on the complaint against the judgment on a case of administrative offence (part 3 article 30.6 and part 3 article 30.9 CAO RF).

Thus, by reason of its constitutional and legal sense in the system of the current legislation the provision of paragraph 6 part 1 of article 24.5 CAO RF suggests that when the proceedings on a case concerning an administrative offense have been terminated due to the expiration of the statute of limitations for bringing to administrative responsibility, the validation and evaluation of the findings of a jurisdictional body about the presence in actions of a particular person of administrative offence composition are not excluded. Otherwise would obstacle judicial protection of rights and freedoms of citizens, making illusory the mechanism of reimbursement for damages inflicted by abuse of power, and, consequently, it would be contrary with articles 19, 45, 46, 52 and 53 of the Constitution of the Russian Federation" [5].

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Knyazeva I. N.

THE ESSENCE OF SUPERVISORY RECONSIDERATION OF JUDGMENTS ON CASES OF ADMINISTRATIVE OFFENCES[1]

Knyazeva Irina Nikolaevna,
c.j.s. (PhD in law), Associate professor of the Chair of constitutional and administrative law at South Ural State University, Chelyabinsk,
irina6225@yandex.ru

The author proposes a definition of supervisory proceedings on cases of administrative offences, which would reflect its isolation from other supervisory proceedings taking place in the Russian judicial system.

Classification of types of supervisory proceedings on cases of administrative offences is given in the article.

Keywords: administrative offences, proceedings on cases of administrative offences, reconsideration of judgments, supervisory proceedings on cases of administrative offences.

In accordance with paragraph 1 article 46 of the RF Constitution, everyone is guaranteed judicial protection of its rights and freedoms. At that, the content of this constitutional right is not limited solely to the right of citizens on initial judicial recourse for the protection of violated rights and legitimate interests. The Constitutional Court of the Russian Federation has been repeatedly formulating legal positions disclosing the essence of the constitutional right of citizen to judicial protection, which lay in necessity to provide legal possibility for appeal against a court decision to a higher court. Thus, according to the Constitutional Court of the Russian Federation, a decision cannot be considered fair and true in the lack of

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possibility of judicial error correction, [5], and the effective guarantee of protection is itself the possibility of reconsideration by a higher court, which in one form or another should be guaranteed by the state [4].

It is obvious that the correction of judicial errors should be carried out in the forms and with respecting standards of a particular type of court procedure: civil, administrative, criminal, arbitration. If reconsideration of a court judgment, which has not entered into force, on appeal (cassation) is a logical and valid continuation of proceedings within the framework of yet unfinished case, then supervisory review of a court judgment, which has entered into force, shall be recognized an extraordinary event aimed at elimination of a serious legal error, which has served as the basis for taking an unjust decision [12, 5-10; 11, 30-34; 7, 38-41; 8, 23-26; 6, 45-47]. Failure to eliminate judicial error in such cases may lead not only to the violation of the rights and legitimate interests of private subjects (civil and arbitration process), but also to the devaluation of public management in case of unfair and non-correlating application of punishment to the guilty person in criminal and administrative court procedures. Search for an exact balance between public and private interests in the implementation of mechanisms for review of entered into legal force court decisions in field of criminal and administrative court procedures is the cornerstone of the corresponding branches of law designed to offer to law-enforcement practice a model, in which a person guilty of offense will be justly punished with mandatory compliance with its rights and freedoms in the course of proceedings.

Most modern researches actively distinguish the sign of extraordinarity as one of the most important components of supervisory proceedings of the Russian judicial system. For example, K. I. Komissarov considers judicial supervision an extreme way of judicial control, precisely because the objects of reconsideration are court decisions entered into legal force. And at the same time he notes that judicial supervision (along with cassation control) acts as a form of judicial guidance: through their decisions taken in individual cases, courts of supervisory instance have a general preventive effect on judicial practice, orienting it towards a way strictly conforming to the law. In general he determines judicial supervision as a specific function of court aimed at the check of legality and validity of lower courts' decisions entered into legal force, correction of their errors and implementation on this basis of judicial practice management [10, 367-368].

Also, substantiating exceptional nature of supervisory proceedings, T. V. Sakhnova underlines that supervisory proceedings undermine, question the legal force of court decision as an act of Justice. The mere fact of possibility of abolishing

a court decision, which has entered into legal force, says of extraordinarity (extra ordinem) of check [14, 653-654].

However, the mentioned sign of supervisory proceedings is not the only one. In General, analysis of the procedural legislation and legal literature allows us to formulate a general legal, interdisciplinary approach to determination of the essential features and tasks of supervisory instance in judicial process. Among the main signs of proceedings in supervisory instance are:

1) limited range of subjects with the right to commence proceeding in supervisory instance (article 376 of the Code of Civil Procedure of the Russian Federation [2], article 402 of the Criminal Procedure Code of the Russian Federation [3], article 292 of the Arbitration Procedural Code of the Russian Federation [1]);

2) mandatory compliance with the normative procedure (time terms, form of documents, etc.) during the consideration of a case;

3) exclusivity (closed qualified list of grounds for cancellation of court decisions that have entered into legal force (article 387 of the Code of Civil Procedure of the Russian Federation, article 409 of the Criminal Procedure Code of the Russian Federation, article 304 of the Arbitration Procedural Code of the Russian Federation));

4) finality of an ordinary judicial process.

Among the main tasks of supervisory instance are: 1) correction of judicial errors and 2) formation of a correct model of law-enforcement practice to achieve a set of goals, including: a) overall exercise of the constitutional right of citizens to judicial protection; b) ensuring the uniformity of legal space on the territory of the Russian Federation, etc.

Identification of the essential properties of proceedings in courts of supervisory instance through the example of already existing models of criminal, civil and arbitration proceedings allows us to analyze supervisory proceedings concerning cases of administrative offences, to present its characteristic based on the principles common for all legal processes.

Isolation of supervisory proceedings concerning cases of administrative offences, reviewing it upon a certain removal from other long-standing forms of court procedure has objective prerequisites that are due to the lack of legal tradition and dynamic development of administrative legislation only in the last decade, which was noted by D. N. Bakhrakh (since July 01, 2002 more than 120 amendments have been introduced to the new Code on Administrative Offences of the RF) [9, 3]. Hence imperfection, legal roughness and existence of legal gaps and conflicts in the procedural part of administrative legislation, which were noted by N. G. Salishcheva

in the following statement: "It is noteworthy that so far the legislator has failed to overcome some controversies in the positions of the two Codes – Code on Administrative Offences of the RF and Arbitration Procedural Code of the RF, concerning the procedure to consider cases on administrative offenses. These controversies were actively discussed in scientific literature, even the Constitutional Court of the RF recommended to bridge the positions of these Codes on the issues of consideration complaints against decisions on cases of administrative offences" [8, 13].

Study of the essence of supervisory proceedings on cases of administrative offences allows one to offer its author's definition. Supervisory proceedings on cases of administrative offences should be understood as activities of court (judge), which are regulated by procedural legislation, to verify the legality and validity of entered into legal force judicial acts concerning cases of administrative offenses, aimed at the identification and correction of judicial errors and resolution of administrative-legal disputes.

For the purpose of complete scientific reflection of essential features of the proceedings on cases of administrative offences in the court of supervisory instance we introduce a classification of the kinds of supervisory proceedings on cases of administrative offences:

1. Depending on the procedural basis of supervisory proceedings on cases of administrative offences:

- supervisory proceedings in arbitration courts (chapter 30 of the Code on Administrative Offences of the RF, chapter 36 of the Arbitration Procedural Code of the RF);
- supervisory proceedings in courts of general jurisdiction (chapter 30 of the Code on Administrative Offences of the RF);

2. Depending on the subject that reviews a case on administrative offence in the court of supervisory instance:

- reconsideration by the Presidium of the Higher Arbitration Court of the Russian Federation of entered into legal force judicial acts (chapter 36 of the Arbitration Procedural Code of the RF);
- reconsideration by the Chairman (Deputy Chairman) of the Supreme Court of the Russian Federation of entered into legal force judicial acts (part 2 article 30.13 of the Code on Administrative Offences of the RF);
- reconsideration by the Chairmen (Deputies Chairman) of the Supreme courts of the republics, territorial, regional courts, the courts of the cities of Moscow and Saint Petersburg, the courts of an autonomous region and autonomous districts of entered into legal force judicial acts;

- reconsideration by district (Naval) military courts and military division of the Supreme Court of the Russian Federation of entered into legal force judicial acts;

3. Depending on the subject that has initiated supervisory proceedings on case of administrative offence:

- supervisory proceedings initiated upon the complaint of a person against whom a proceeding on case of administrative offence is being conducted;
- supervisory proceedings initiated upon the complaint of victim;
- supervisory proceedings initiated upon the complaint of legal representative of a natural person;
- supervisory proceedings initiated upon the complaint of legal representative of a legal person;
- supervisory proceedings initiated upon the complaint of lawyer or representative;
- supervisory proceedings initiated upon the protest of prosecutor.

Another classification is proposed by G. A. Shevchuk [15, 8].

These classifications of the kinds of supervisory proceedings on cases of administrative offences allow one to comprehensively present the supervisory proceedings on cases of administrative offences, to reflect its general and specific features in the context of the contemporary development of procedural legislation of the Russian Federation.

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Kondrat'ev S. V.

TYPOLOGY OF PROCEEDINGS ON CASES OF VIOLATIONS OF THE LEGISLATION ON TAXES AND FEES[1]

Kondrat'ev Stanislav Valentinovich,
degree-seeking student of Financial University under the Government of the Russian Federation, Head of the division of pre-trial settlement in the Department of the Federal Tax Service for Moscow region.

The author notes a lack of specific indications that would separate tax offence from administrative offence.

Various types of proceedings on cases of tax offences are considered in the article. Focus is given to the fact that an evidentiary base obtained in the legal regime of tax legislation may be used for the purposes of proceedings on administrative offense.

It is argued that a literal adherence to the norms of tax and administrative legislation virtually eliminates the possibility of an administrative investigation into the violations revealed during tax control-verification events.

Keywords: tax offences, administrative offences in tax field, tax crimes, proceedings on cases of tax offences, responsibility for offences in the field of taxes and fees.

Analysis of law enforcement practices (2002-2012) of bringing to responsibility for offenses in the field of taxes and fees, as well as comparative legal analysis of the norms of the Code on Administrative Offences of the RF (hereinafter – CAO RF) [1] and the Tax Code of the RF (hereinafter – TC RF) [2] allows us to conclude that the legislation on administrative offenses in part of regulation relations in the field of finance, taxes and fees after the start of market reforms in the Russian Federation has been rebuilding too slow, as a result in legislative array have appeared

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parallel systems of customs and tax responsibility having unified with administrative responsibility legal nature. At that customs responsibility was absorbed by the norms of CAO RF, 2001. However, tax responsibility without sufficient doctrinal and practical reasons continues to persist in TC RF.

This situation leads to duplication of norms, legal uncertainties and other negative consequences hindering the realization of principles of bringing to legal responsibility elaborated in long evolution of the development of law.

Duplication of a number of material and procedural norms of CAO RF and TC RF confuses law enforcement, disorients taxpayers and entails a lot of negative consequences.

In addition, the feature of taking decision on the case of an offense in the field of taxes and fees, as well as sentencing, is that for the same offense in tax field several subjects of legal relations are liable: legal entity (usually in accordance with the norms of the TC RF), official or just an individual (in accordance with the norms of CAO RF). And in the presence of signs of crime – also a physical person (in accordance with the Criminal Code of the RF).

The analyses has shown that there are no specific signs, which segregate tax offence from of administrative one. Both of these types of offences are of single-order and related in their legal nature. Thus, in order to streamline legal relations arising in the area of taxes and fees, as well as to unify bringing to responsibility for these offences, it appears appropriate to consider various types of proceedings on review of offences in the researched field.

At that, it should be borne in mind that the legal regulation of this field is carried by the norms of both substantive and procedural law of various branches, what causes a lot of conflicts and contradictions in the practical application of tax legislation. All this determines the need for a systematic analysis of the complex of proceedings on cases of offences in the field of taxes and fees.

Posing of this issue is quite reasonable, in view of the expanded procedural legislation. Unfortunately, the modern development of the legislation on taxes and fees and the science of tax law do not give the whole picture of tax proceedings. Most often only its individual types within the framework of tax, administrative and criminal-procedural legislation are considered, or types of proceedings on cases of violations the legislation on taxes and fees are considered as elements of the structure of tax protective process [12, 92]. In this connection, it becomes relevant to study different types of proceedings in the researched field, to determinate and examine their specificity, as well as specific types of proceedings on cases of violations the legislation on taxes and fees.

So, in accordance with article 10 TC RF, procedure of bringing to responsibility and proceedings concerning tax offenses are enshrined by norms of chapters 14 and 15 TC RF; proceedings concerning violations of the legislation on taxes and fees that contain signs of administrative offense or crime are conducted in the manner prescribed respectively by the legislation on administrative offenses and criminal-procedural legislation. Thus, a wrongful deed (actions, inaction) both of natural and legal persons is classified on three grounds: tax, administrative offence and a criminal offence. In this approach, the current legislation provides for the following types of proceedings on cases of violations the legislation on taxes and fees:

- proceedings on cases of tax offences;
- proceedings on cases of violations the legislation on taxes and fees, which contain signs of administrative offence;
- proceedings on cases of tax crimes.

It seems appropriate to consider each of the proceedings on cases of violations the legislation on taxes and fees and to identify their essential features.

There are various points of view on the subject. So, for example, I. I. Kucherov distinguishes the following types of proceedings on cases of violations the legislation on taxes and fees:

- proceedings on cases of tax offences;
- proceedings on cases of administrative offences;
- preliminary investigation [13, 370].

Proceedings on cases of tax offences are implemented with observance the procedures provided for by TC RF. It should be noted that article 100.1 TC RF regulating the procedure of reviewing cases of tax offences is of reference nature and does not directly regulate the procedure of consideration cases of tax offences. According to paragraph 1 of this article, cases concerning tax offences which were found in the course of a cameral or on-site tax audit shall be considered in accordance with the procedure envisaged by article 101 TC RF, and cases concerning tax offences which were found in the course of other tax control events (with the exception of the offences envisaged by articles 120, 122 and 123 TC RF) shall be considered in accordance with the procedure envisaged by article 101.4 TC RF.

Thus, the Tax Code actually provides for two procedures of registration of tax control results, which evidence about tax offences. *The first* of them regulates documenting the results of directly cameral and on-site inspections (article 100 TC RF), *the second* is designed for the cases of detection evidence of violations the legislation on taxes and fees, except for tax offenses, cases on detection of which are considered in the manner prescribed by article 101 TC RF (article 101.4 TC RF). They also

correspond with two procedures for consideration cases of violation the tax legislation (article 101, 101.4 TC RF).

It should be noted that the procedure of the proceedings on a case of tax offenses provided for by TC RF, which is provided for in article 101.4 TC RF, was introduced by the Federal Law No. 137-FL from July 27, 2006 [3]. Prior to these changes TC RF had been providing a uniform procedure of proceedings on case of tax offence, contained in article 101 TC RF.

On the basis of direct reference in paragraph 2 article 100.1 TC RF, tax offences, proceedings on which can only take place under article 101 TC RF, include:

- gross violation of the rules for accounting for income and expenses and objects of taxation, article 120 TC RF,
- non-payment or incomplete payment of tax, article 122 TC RF;
- failure by a tax agent to fulfil his obligation to withhold or transfer taxes, article 123 TC RF.

It should be noted that both the procedures of consideration of cases on tax offences are similar enough. However, it must be borne in mind that the rules established by article 101.4 TC RF are more simplistic and not so fully regulated. Article 101.4 TC RF is designed to simplify the proceedings on cases of tax offences that do not require control measures for detecting them.

In turn, V. E. Kuznechenkova defines the following types of tax proceedings:

- proceedings for the adoption of tax normative legal acts by representative bodies and proceedings for the adoption of tax normative legal acts by executive authorities (tax law-making process);
- tax control proceedings;
- proceedings on cases of violations the legislation on taxes and fees;
- proceedings against acts of tax bodies, actions (inaction) of their officials (tax law enforcement process) [9, 12].

It should be noted that the Federal Law No. 153-FL from July 2, 2013 [7] changes the TC RF, including in part of the regulation of proceedings on appealing against acts of tax authorities. These mentioned changes significantly complement the procedural norms of the institute of appeal and terminate the numerous contradictions that were repeatedly pointed out by tax service [8, 12].

Here you should pay attention to the specifics of the tax control proceedings. According V. E. Kuznechenkova, tax control proceedings are a way of ensuring the rule of law in tax law. The specifics of the tax control proceedings depend on the areas of financial and economic activity of taxpayers, taxes types, taxpayer's legal status, and so on.

Characteristic features of tax control proceedings are:

- implementation of tax control proceedings during formation the monetary funds of the State and local self-government. Tax control proceedings are not implemented in areas of financial activity such as allocation and use of money funds;
- carrying out of tax control proceedings by state bodies, whose competence includes supervisory powers;
- availability of a special procedural form, that is, a totality of requirements aimed at ensuring compliance with the legislation by controlling entities during implementation of tax control proceedings and expressed in a specific procedure and conditions of conduct the forms of tax control. Actions on implementation of tax control are regulated by a totality of appropriate procedural norms of legislation on taxes and fees.

Under certain law conditions violation of tax procedural form may lead to the recognition illegal all the activities for the implementation of tax control.

The immediate purpose of tax control proceedings is, on the one hand, the identification of grounds for the implementation of coercive tax seizures in the budgetary system, on the other hand, enshrining in a corresponding act the grounds both for application measures of responsibility for violations of legislation on taxes and fees, and for coercive performance of the obligation to pay a tax (fee).

Thus, the proceedings concerning cases of tax offenses committed by a taxpayer, payer of fees or tax agent is a procedure of taking decisions on application tax penalties based on the results of consideration tax audits materials regarding violators of legislation on taxes and fees. The corresponding procedure is defined in articles 100, 101, 101.4 TC RF.

Turning to the next aspect of the stated issue, it should be noted that proceedings on cases of administrative offences in the field of taxes and fees are recognized as an order settled by the system of administrative and procedural norm, as well as the forms and methods of procedural activity of tax authorities (their officials) to initiate a certain group of individually-specific cases of the mentioned offences that are notable for subject characteristic and connectedness with material legal relations that arise in the field of public administration, juridical registration the facts of offences; administrative investigation; consideration of cases and bring the perpetrators to administrative responsibility in accordance with the current legislation [9, 96].

Responsibility for administrative offences in the field of taxes and fees is enshrined in articles 15.3-15.11, part 1 article 19.4, article 19.4.1, part 1 article 19.5, 19.6, 19.7 CAO RF.

On the base of violations identified by tax body, for which individuals or officials of organizations recognized as taxpayers, payers of fees or tax agents shall be subject to administrative responsibility, an authorized official of the tax body draws up a protocol on administrative offence.

Review of cases concerning these offences and imposition of administrative sanctions against mentioned perpetrators shall be carried out in accordance with the administrative legislation of the Russian Federation and the subjects of the Russian Federation.

In the text of TC RF the legislator affirms the right of officials of tax authorities to draw up a protocol on administrative offense. The decision to initiate proceedings on administrative offence is taken by an official authorized to draw up a protocol on administrative offences, in the form of a ruling after detection of the fact of commission an administrative offence.

Thus, body of evidence gained in the legal regime of tax legislation may be also used for the purposes of administrative offense proceedings.

At present, the literal adherence to the norms of tax and administrative legislation virtually eliminates the possibility of an administrative investigation into the violations revealed during tax control-verification events.

On the basis of article 26.1 CAO RF, the circumstances to be clarified concerning a case of administrative offence through administrative investigation, first of all, are:

1) determination the nature and extent of damage caused by an administrative offence;

2) determination of person's guiltiness of committing an administrative offence;

3) circumstances mitigating administrative responsibility and circumstances aggravating administrative responsibility;

4) causes and conditions of commission an administrative offence.

Further, it is worth noting that, according to the current legislation, investigation of tax crimes is implemented in the form of a preliminary investigation. So, the preliminary investigation of criminal cases on tax crimes is carried out by investigators of the Investigation Committee of the Russian Federation [5].

The jurisdiction of the Investigation Committee of the Russian Federation includes investigation mostly serious and particularly serious crimes, including

crimes committed in the field of taxes and fees. So on the basis of the provisions of the Federal Law of the Russian Federation No. 383-FL from December 29, 2009 [4], investigative jurisdiction of investigation crimes committed in the field of taxes and fees has changed. It should be noted that from January 01, 2011 preliminary investigation of crimes under articles 198, 199, 199.1 and 199.2 of the Criminal Code of the RF is carried out by investigators of the Investigation Committee of the Russian Federation, and not investigators of internal affairs bodies, as it was previously.

Preliminary investigation begins with the initiation of criminal proceedings on violation the legislation on taxes and fees, which contains signs of crime.

Investigative activities are permitted after the adoption, in accordance with the law, of decision to institute criminal proceedings, i.e., the said step of the process, in fact, is a legal prerequisite for investigation implementation [10, 266].

Investigator is entitled to institute criminal proceedings if there are motives and grounds (article 140 of the Code of Criminal Procedure of the RF). Federal Law No. 407-FL from December 06, 2011 [6] introduces into the said article part 1.1, according to which, the reason for initiation criminal proceedings on crimes under articles 198-199.2 of the Criminal Code of the RF is only those materials that are directed by tax authorities in accordance with the legislation on taxes and fees to address the issue of initiation a criminal case. This norm was introduced as an additional guarantee of the rights of economic operators.

Motives for instituting criminal proceedings on tax crimes may be only the messages of tax authorities. Ground for instituting a criminal case is the availability of sufficient evidences pointing to signs of crime.

In the event that they discover circumstances which require the taking of action for which the appropriate powers are assigned by this Code to tax authorities, internal affairs bodies and investigative bodies shall be obliged to send materials to the appropriate tax authority within ten days from the day on which those circumstances are discovered in order that a decision may be taken on the basis of those materials (see paragraph 2 article 36 TC RF).

If, within two months from the date of expiry of the time limit for the fulfilment of a demand for the payment of tax (fee) which was sent to a taxpayer (levy payer, tax agent) on the basis of a decision on the imposition of sanctions for the commission of a tax offence, the taxpayer (levy payer, tax agent) has not fully paid (transferred) the amounts stated in that demand of arrears, the level of which gives reason to suspect the commission of a violation the legislation on taxes and fees bearing elements of a crime, and corresponding penalties and fines, tax authorities shall be obliged, within 10 days from the day on which those circumstances

are discovered, to send materials to investigative bodies authorized to conduct preliminary investigation in criminal cases involving crimes such as are provided for in articles 198 to 199.2 of the Criminal Code of the RF in order for a decision to be adopted on the institution of criminal proceedings (see paragraph 3 article 32 TC RF).

Under a reasoned request of the investigator of the Investigation Committee of the Russian Federation, tax body represents additional documents and materials required for taking decision in accordance with the legislation.

In investigation of tax crimes the investigator can conduct various investigation activities to obtain evidence. These include: interrogation, confrontment, seizure, search, inspection and etc. In addition, the investigator may also appoint a judicial expertise.

Article 162 of the Code of Criminal Procedure of the RF stipulates that preliminary investigation on criminal cases must be completed not later than within two months. This period includes time from the date of institution of proceedings and till the transfer of the case with indictment to prosecutor or till the termination or suspension of the proceedings. The head of corresponding investigative body may extend the term of preliminary investigation up to 3 months. Further extension of the term may be made only in exceptional cases.

It should be noted that tax offenses are classified as particularly dangerous and harmful to the community and impinge on the financial stability and economic security of the State; they are prohibited by the Criminal Code of the Russian Federation under threat of punishment. These are articles 198, 199, 199.1 and 199.2 of the Criminal Code of the RF.

Based on the conducted research it seems appropriate to draw the following conclusions.

All violations of the legislation on taxes and fees are divided into three main types: basically tax offences; violations of legislation on taxes and fees, which contain the signs of administrative offence (tax misconducts); violations of legislation on taxes and fees, which contain the elements of crime (tax crimes). Accordingly, one should speak about three types of legal responsibility for violations the legislation on taxes and fees, basically tax one (as a variety of financial one), administrative and criminal one.

Together all kinds of violations of the legislation on taxes and fees make up the concept of "tax delinquency". We understand tax delinquency as the totality of all the deeds prohibited by the current legislation on taxes and fees, committed in the state, a particular region, a city for a certain period of time.

Approach of M. N. Kobzar'-Frolova to the study of problems of tort delinquency is a very original [11]. Based on the analysis of the current state of tax-tort situations, practice of their legal settlement, as well as studying the problems of normative-legal regulation of administrative-jurisdictional activity of tax authorities the author determines the measures aimed at improving the efficiency of law enforcement process in the field of study.

As rightly pointed out by the author, tax torts, being the "economic basis" of common crime, significantly affect the state of economy, especially in the present context of the economic crisis of the world society. At the same time, a large part of the population of Russia does not consider tax offences socially dangerous. The society has not formed a negative attitude towards the violators of tax legislation. Law-abiding taxpayers are not sure that all taxes are transferred to improve their well-being and development of the state economy – to ensure safety of life and health, social needs of citizens, good state governance, edition of justified laws, etc.

The author's position, that the increase in offences in the sphere of tax affairs is caused by numerous shortcomings, uncertainty of norms and constant change of the tax legislation, is justified. The state, on the one hand, in the legislative and by-laws requires accurate and timely payment of taxes, but, on the other hand, does not provide the society with reliable legal mechanisms of free economic activity, which is an important factor that does not contribute to the decrease in tax offenses.

These and many other reasons are the basis of tax offences, which require careful study, comprehensive analysis, development of techniques and methods of their prevention and resolving.

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Kuyanova A. V., Yuritsin A. E.

ACTIVITY OF THE EMPLOYEES OF THE FEDERAL MIGRATION SERVICE DEPARTMENT OF RUSSIA FOR OMSK REGION ON RENDERING STATE SERVICES: TOPICAL ISSUES OF ESTIMATION ITS QUALITY BY THE POPULATION

Kuyanova Arina Viktorovna,
c.j.s. (PhD in law), Senior lecturer of the Chair of administrative law and administrative activity of internal affairs bodies at Omsk Academy of RF MIA;

Yuritsin Andrei Evgen'evich
c.j.s. (PhD in law), Senior lecturer of the Chair of administrative law and administrative activity of internal affairs bodies at Omsk Academy of RF MIA.

Based on the analysis of the survey of recipients of state services, the author provides the assessment of the work quality of the Federal Migration Service Department of Russia for Omsk region.

The article provides correlation of the process quality of rendering state services and the estimation by individuals and organizations the activity of state institutes.

Have been identified adverse reasons that impede to render state services and to carry out the functions assigned to the FMSD of Russia at a high qualitative level.

The author notes that the general problem of execution of all administrative regulations is insufficient material, technical and information support of units, insufficient number of employees of the FMSD of Russia for Omsk region.

Keywords: state services, rendering of state services, Federal Migration Service of Russia, activity of employees of the FMSD of Russia for Omsk region, quality of state services, estimation of services quality of the FMSD of Russia for Omsk region.

The basic document regulating the right of rendering public services in the Russian Federation is the Federal Law No. 210-FL from July 27, 2010 (edition of the Federal Law No. 188 from July 02, 2013) "On the Organization of Rendering of State and Municipal Services" [1].

For purposes of further improvement the system of public administration the President of the Russian Federation ordered to the Government of the Russian Federation to achieve the following indicators [2]:

a) level of satisfaction of the Russian Federation citizens (hereinafter – citizens) with the quality of rendering state and municipal services, by year 2018 – not less than 90%;

b) percentage of citizens having access to any state and municipal services on the principle of "one window" at the place of residence, including in multifunctional centers for providing state services, by year 2015 – at least 90%;

c) percentage of citizens using a mechanism for rendering state and municipal services in electronic form, by year 2018 – at least 70%;

d) reduction in the average number of applications of business community representatives in a body of state authority of the Russian Federation (local self-government body) to obtain one state (municipal) service related to the sphere of entrepreneurial activity, by year 2014 – up to 2%;

d) reduce the time spent waiting in the queue when visiting a body of state authority of the Russian Federation (local self-government body) to obtain state (municipal) services, by year 2014 – to 15 minutes.

In normative legal acts of the President of the Russian Federation and the Government of the Russian Federation state services are allocated into a separate managerial category, the function of their rendering is enshrined as essential for the state executive authorities and subordinated to them institutions.

Russian Economic Development Ministry carried out a full inventory of state services subject to regulation, which are rendered to citizens and businessmen by federal executive bodies. The results of this work – the details about provision of each public service – were the basis of the informational system of the public services registry, information from which is available to citizens via the Internet portal of public services [3].

Under the current legislation, bodies providing state services must:

1) provide public services in accordance with the administrative regulations;

2) ensure possibility of obtaining state services in electronic form, unless prohibited by law, and also in other forms stipulated by the legislation of the Russian Federation, at applicant's choice;

3) provide documents and information necessary for the rendering of state and municipal services to other bodies rendering state services, bodies rendering municipal services, organizations subordinated to public authorities or local self-government bodies, which are involved in the provision of state and municipal services required by law, upon interdepartmental requests of such bodies and organizations;

4) perform other duties in accordance with the requirements of administrative regulations and other normative legal acts that regulate relations arising in connection with the provision of state and municipal services.

In our view, the quality of providing state services significantly affects state institutions' activity assessment by citizens and organizations. Subjective quality index includes: assessment of the quality of infrastructure related to obtaining services (transport accessibility; waiting conditions; comfort of premises; convenience of schedule for work with visitors); assessment of the quality of interaction with a state service provider (duration of visit; attention and courtesy of employees; competence of employees); assessment of optimality and satisfaction with the procedure for obtaining services (procedure for obtaining services and the most difficult stages; the time spent waiting for actual result; satisfaction with service rendering process).

Main field of activities of the Federal Migration Service Department for the Omsk region (hereinafter referred to as *the FMSD of Russia for Omsk region*) is the provision of state services and practical implementation of the overall strategy of the state policy in the sphere of migration. The activity of the FMSD of Russia for Omsk region is aimed at ensuring the possibility for Russian and foreign nationals, as well as stateless persons, to implement their rights and duties.

In the period from June 1 to October 1, 2013 the FMSD of Russia for Omsk region, within the study of the considered issue, conducted a survey of recipients of state services in the structural units of the FMSD of Russia for Omsk region, located in the Kirovskii, Sovetskii, Tsentral'nyi, Oktyabr'skii and Leninskii administrative districts, in order to obtain data on the level of quality and accessibility to all kinds of state services (functions) in the field of migration.

Arrangement and conducting of the survey was complied with the principles of voluntariness and anonymity of respondents. At the request of respondent the survey was conducted either in the form of an interview (filling in the questionnaire by a unit employee) or through self-completion of the questionnaire. The questionnaire included questions concerning the assessment of migration service office premises' condition, conditions of waiting, citizens' awareness of

the procedure for receiving services and satisfaction with communication with employees. A special box was provided for suggestions and detailed answers to the questions.

2143 respondents participated in the survey. Among them: 37.7% (808 people) first appealed to the units of the FMSD of Russia for Omsk region; 24.32% (521 people) completed the questionnaire during return visit; 14.84% (318 people) regularly visit migration office on a variety of issues; 23.14% (496 people) left the question unanswered.

Among the applicants: 59.68% citizens of the Russian Federation – 1279; 5.972 % foreign nationals – 128 (Ukraine – 3, Armenia – 2, Uzbekistan – 11, Azerbaijan – 1, Tajikistan – 8, Kazakhstan – 92, Germany – 6, Georgia – 2, Kyrgyzstan – 2, Moldova – 1); 34.34% did not mentioned their nationality – 736.

Results of the survey showed the following indicators:

The schedule of units of the FMSD of Russia for Omsk region was assessed by recipients of state services as follows: "satisfactory" – 224 people (10.452%); "good" – 909 people (42.417 %); "excellent" – 988 people (46.103%). Index of satisfaction was 88.52%.

Schedule for work with visitors in structural units of the FMSD of Russia for Omsk region is developed in accordance with the requirements of the Administrative Regulations on the rendering of state services and use of state functions. The research has shown that the work schedule of structural units of the FMSD of Russia for Omsk region does not satisfy 1.026% (22 people).

In general, the placement and territorial accessibility of the FMSD of Russia for Omsk region were assessed as follows: "satisfactory" – 285 people (13.299%); "good" – 894 people (41.717%); "excellent" – 919 people (42.883%). Index of satisfaction was 84.6%.

Ways to reach the FMSD of Russia for Omsk region and arrangement of entrance to the FMSD of Russia for Omsk region satisfied 2107 respondents (98.32%). Index of satisfaction was 81.66%.

Dimensions and equipment of departments satisfied 2043 people, index of satisfaction was 77.134%.

The main reasons for dissatisfaction are the insufficient number of waiting seats for citizens applying for the provision of state services, the lack of enough seats to fill papers, office supplies, the absence of an air conditioner or a split-system.

According to the survey, 68 people (3.173%) are dissatisfied with queuing and believe that the absence of electronic-queue, particularly in offices with large

flow of people, adversely affects the quality of rendering state services. In addition, 72.140% (1546 people) believe that time spent waiting in the queue is acceptable; 6.216% (133 people) believe that time spent in queue is unacceptably long and dissatisfied with the number of seats for waiting.

The reason for the long waiting in line, above all, is due to a lack of staff in units. To reduce queues in the FMSD of Russia for Omsk region is advisable to develop a set of measures – in units with a large flow of citizens to conduct appropriate analyses, basing on which to develop the recommended schedules for visit; to place the information on the stands and the Department website. Enter the position of administrator performing telephone consultations.

According to the survey, 2045 people (95.42%) find the time of rendering state services as acceptable; 267 people assessed duration of rendering a state service "satisfactory" (12.459%); 947 people – "good" (44.19%); 831 people – "excellent" (38.777%). Overall satisfaction index – 82.967%.

It is significant that 97.8% (2096 respondents) are satisfied with the level of service and interaction with the staff of the FMSD of Russia for Omsk region.

Recipients of government services often come to the units of the FMSD of Russia for Omsk region already having sufficient information on the state services provided by the migration service. The main sources of its (information) receipt – preliminary consultations with the staff of the FMSD of Russia for Omsk region (1019 respondents – 47.55%), obtaining additional information through the Internet (908 people – 42.37%), by phone (981 people – 45.776%).

Recipients of state services use information on the procedure for rendering services placed on information stands of the FMSD of Russia for Omsk region. Among them: 89.127% (1910 people) believe that information is detailed and available; 10, 813% (223people) believe that information is not sufficient.

Of those surveyed, 97.62% (2092 people) are satisfied with the time period of provision of a public service (discharge of a state function); 97.9% (2098 people) are satisfied with the results of provision of a public service (discharge of a state function).

Only 42 people (1.959%) believe they have faced unreasonable actions on the part of the FMSD of Russia for Omsk region, 2 of them – because of delays in signing documents.This indicates a rather high level of professional training for Department staff, their good knowledge normative base and ability to communicate with people, properly and clearly explain the reasons of refusal to meet applications and requests.

Despite the comments, 2098 respondents (97.9%) are satisfied with the result and the quality of rendering state services and performing state functions.

The foregoing suggests that elimination of all the negative factors, which hinder to provide state services and perform the functions assigned to the Service at a high level, is impossible without an increase in staff of many units of the Department, additional funding to improve the conditions of rendering state services, including necessary repairs of premises and purchase for each unit information resources provided for by administrative regulations (electronic queue, information kiosks, etc.).

Common problems of exercising all administrative regulations is insufficient logistical and information support of the units: the lack of sound, electronic queue management systems; the lack of light information boards; absence of information kiosks and waiting rooms in every premise of structural units of the FMSD of Russia for Omsk region; premises are not equipped with ramps, special fences and railings, etc., necessary to ensure the free access of citizens with physical disabilities and handicapped persons; inadequate staffing to provide adequate levels of state services. Establishment of the system of professional migrational education at the federal level – training, retraining and professional development of staff in the field of migration – will provide legal literacy of employees at the territorial bodies of the Federal Migration Service of Russia with regard to the specifics of the Service and will increase the quality of rendering state services.

The conducted research has shown that the vast majority of respondents express opinion about qualitative provision of state services. Structural units of the FMSD of Russia for Omsk region comply with requirements of Administrative regulations for provision of state services and use of state functions; state services are available to citizens and are rendered at a high level.

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Lapina M. A., Karpukhin D. V.

PROBLEMS OF DELIMITATION OF CIVIL-LAW AND PUBLIC-LAW RISKS IN JURISPRUDENCE

Lapina Marina Afanas'evna,
Doctor of law, Professor, 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",
LapinaMarina@inbox.ru

Karpukhin Dmitrii Vyacheslavovich,
PhD in History, Associate professor of the Department of "Administrative and Informational Law" at "Financial University under the Government of the Russian Federation", Associate professor.

As a result of the analysis of similar and fundamental differences of legal risks depending on the civil-law and administrative nature of their origin the author has conducted delimitation of civil-law and public-law risks.

Noted that public-law risks unlike civil-law ones conjugate with the prospect of a destructive development of socially significant relations in constitutional, administrative, environmental and other spheres of public life.

The author argues that public-law risks are limited by legal prohibitions and restrictions.

Keywords: legal risk, civil-law risk, public-law risk, ways of delimitation of risks types, comparative analysis of risks.

The theory of civil-law risks has been actively developing in domestic civil law since the late 60's of the 20th century up to present times. Review of major theories of risks in civil law is laid down in article of Martirosyan A. G. "Towards the Question of Risk in Civil Law of the Russian Federation" [4].

This author distinguishes three theories of civil-law risks formed in domestic civil law: subjective (V. A. Oigenzikht, S. N. Bratus', V. A. Plotnikov, etc.); objective (A. I. Omel'chenko, B. L. Khaskel'berg, O. A. Krasavchikov, A. A. Sobchak); mixed (B. N. Mezrin, V. A. Kopylov) [4].

Subjective theory of risk considers risk from psychological, subjective perspective. The subject of legal relations assumes the probability of adverse effects resulting from its activities. However, if he fails to take action (conclusion of a contract, driving a vehicle), to which the law associate the adverse effects, there is no risk [4].

Objective theory does not associate the mental attitude of individuals to committed actions, and interpret risk as the potential for occurrence cases resulting in property losses. For supporters of this point of view, risk is a constant threat of adverse consequences [4].

And, finally, the third theory combines subjective and objective foundations of civil-law risks. The authors believe that subjective risk factor is its anticipation in the future, but the very risk is "an objective reality, since the possibility of harm is directly embodied in life in the combined action of any persons and other not less real factors" [4].

According to the author, one of the causes of ambiguous interpretation of civil-law risks is the fact that the category of risk is in the "border zone" between public and private interests [4].

This author's statement is of scientific interest because it emphasizes the general legal nature of the category "legal risk", its versatility and applicability to both public-law and private-legal areas of legal relations.

All property public relations potentially include the risk of loss of property, failure to gain goals of the subjects of civil law. Itself the objective existence of such a possibility of "misfortune" (i.e. losses) – it is an integral part of social relations that form the subject matter of civil law, therefore, civil law cannot sidestep the potential possibility of property losses, because it regulates these relations.

Speaking about civil-law risks, A. G. Martirosyan emphasizes that "risk is inevitably linked to monetary relations based on equality of the parties and thus permeates all civil law, its norms reflect, regulate this risk, but in any case ... don't outline the limits of its admissibility" [4]. According to author's thoughts, there cannot be limits of risk in civil law at the level of legal regulations. Every subject of civil legal relations itself sets the limit of potential losses. The opposite is the case in public-law relations, in which risk limits are restricted by legal prohibitions and restrictions [4].

Thus, the author, in addition to the analysis of civilistic risks, concerns the problem of risks in public-law relations. According to the author's thoughts, risks in public-law relations have certain limits, i.e., they should be limited by legal prohibitions, and private-legal risks do not have limits prescribed in normative acts. This difference is rooted in the provisional nature of civil-law relations, which are based on the legal equality of parties and possibility of subjects themselves to establish the limits of possible risks.

In the article "Ways of Allocation Risk in Civil Law" A. G. Martirosyan determines the essence of civil-law risk and its interrelation with public-law relations [5].

"Civil-law risk – this is category designated by law, which explains participants possible property unfavorable consequences. The risk is of interest to the subjects of civil law because its consequences are fraught with losses. The losses affect not only the interests of the person, who is undergoing them, i.e. private interests, but also the interests of public due to the organic link of private and public foundations in civil law" [5].

Thus, the author in the given definition develops the previously sounded thesis about "border nature" of legal risks, and notes that the civil-law nature of risks does not preclude the implementation of public-law interest.

The author formulates such ways of allocation civil-law risks as:

"- establishing the legal status of participants to civil legal relations in the part of determination the property, by which they are answerable with;

- establishment of guilt as a prerequisite of civil-law responsibility;
- limiting the amount of responsibility by actual damage;
- imposition of damages to a third person, who is not a party in obligation;
- priority rating in the performance of an obligation;
- allocation of risk consequences among debtors;
- imposition of risk consequences to one party in an obligation" [5].

Touching upon the issue of analysis the methods of risks allocation, the author raises the problem of public authorities' participation in the prevention, reduction and optimization, Martirosyan distinguishes such risks allocation methods as:

First, state registration of rights (ownership rights and rights of intellectual property and means of individualization);

Second, requirement for the form of transactions, through which the transfer of rights and their state registration are exercised (written form, notarization) [5].

Thus, the author notes public-law foundation in determining the ways to allocate private-legal risks, to which he refers participation of public authorities in

the process of registration of transactions, rights of intellectual property, real estate, transfer of rights, state registration".

It seems interesting to analyze the concept of legal risk in the banking sector, proposed by T. E. Rozhdestvenskaya [6]. Conclusions of the scientist go beyond the designated subject matter and deal with the methodological aspects of the concept of "legal risk". In her article the author analyzes the monograph that was created by the European Commission and the Central Bank of the Russian Federation "Banking Supervision. European Experience and Russian Practice". It proposes four member classification of banking risks: 1) credit risk; 2) market risk; 3) liquidity risk; 4) operational risk [6].

In turn, as the scientist notes, in the study "Banking Supervision. European Experience and Russian Practice" legal risk is regarded as an integral part of operational risk: "This definition [of operational risk] includes legal risk, which is understood as the risk of losses due to non-compliance with legislative acts, as well as a reasonable moral norms and treaty obligations, and the risk of initiation of judicial proceedings. However, strategic risk and reputational risk are not included in the definition" [6].

In this definition Rozhdestvenskaya notes an important methodological aspect of the definition of legal risk, which is an integral part of operational risk. Therefore, according to the scientist, in the considered legal act, legal risk in banking activity is a secondary category [6].

Furthermore, on the basis of the analyzed definition, T. E. Rozhdestvenskaya highlights such qualitative characteristics of banking risk as potential financial losses and interrelation banking risks in violation of legislation and contractual obligations [6]. The scientist stresses such peculiar and rarely noted sign of banking risks as "causal link between non-compliance with such standards of legal behavior, which are not formalized by law (business custom), and emergence of legal risk" [6].

The author notes that the concept of "legal risk" in relation to the banking environment is contained in international legal act "Recommendations for Securities Settlement Systems". "Legal risk – as noted in the document – is a risk of situation where a party will incur losses because laws or legal norms do not support the rules of securities settlement system, the operation of the respective settlement schemes or property rights and other participation interests stored in a settlement system. Legal risk also arises because of the ambiguity in application of laws and legal norms. Legal risk is a risk that threats to counterparty in the event of unexpected application of law, by virtue of which contracts become illegal or unsecured

by legal sanctions. It includes a risk arising from the delay in seizure of funds or securities or blocking of positions. ...Counterparties may incur losses as a result of the application by court in a particular jurisdiction of a law, which is different from the one on which they relied or one indicated in the contract. So, legal risk aggravates other risks, such as market, credit and liquidity risk related to the good conscience of transactions" [6].

Based on the definitions set out in international-legal instruments regulating banking settlements, the author makes the following conclusions about the essence and signs of legal risks outlined in regulatory interpretation:

first, legal risk is considered either as a part of operational risk, or as a factor affecting banking risk;

second, legal risk is associated with infliction of losses to a bank;

third, legal risk arises as a result of the breach of legal regulations in normative acts or in treaties;

fourth, legal risk arises as a result of the violation of business customs;

fifth, as sources of legal risks the mentioned acts note parties of legal relations that do not provide high quality of legal work; subjective mistakes of law enforcement agencies that exercise the law; insufficient quality of regulatory environment [6].

T. E. Rozhdestvenskaya criticizes provisions about the fact that legal risk is a kind of operational risk. One must agree with the view of T. E. Rozhdestvenskaya, that it is more correct to consider category "legal risk" as a separate legal category.

"In this case, – she writes, – it must be said that different approaches to the determination of the place of legal risk in the system of banking risks have only theoretical significance, since the practical organization of legal work of a bank (any corporation) always comes from the fact that the actions of any employee of the bank, which have legal consequences, may carry legal risk. However, this methodological principle will be relevant in building the classification of legal risks" [6].

Thus, the analysis of the normative regulations governing legal risks shows a fundamental methodological nuance of the current problem. In some cases (for example, in the study "Banking Supervision. European Experience and Russian Practice" [6]) "legal risk" is treated as a secondary category with respect to operational risk, therefore, "legal risk" is a secondary category in banking legal relations. In others (for example, in international-legal act "Recommendations for Securities Settlement Systems" [6]) the category of "legal risk" is treated as a separate category, arising from the imperfection of legal structures of legal norms, law-enforcement and interpretation of legal prescriptions.

Consideration of the legal risks through the prism of the activities of authorized persons, such as employees of organizations, can be traced in the study of Yu. V. Truntsevskii "On the Organization of Legal Risks Management of an Economic Entity". The scientist examines legal risks as a result of the violation of established rules by the economic entity's management. "In activity of an economic entity, – he writes, – violations of or discrepancies with internal and external legal norms, such as laws, bylaws of regulators, rules, regulations, prescriptions, constituent documents appear in the form of legal risks for effective control (management) of organization" [7].

These risks are manifested:

first, in violation by an organization of the requirements of normative acts and contractual obligations.

second, in legal mistakes in the implementation of its activity (incorrect legal advice, incorrect drawing up documents, including in court instances);

third, in violation of normative legal acts, as well as the terms of concluded contracts [7].

Thus, the studies of T. E. Rozhdestvenskaya and Yu. V. Truntsevskii formulate the methodological problem of the legal doctrine about risks that needs further research studies. Its essence can be defined as a dilemma – whether legal risk is a potential threat contained in legal acts (laws, bylaws, decisions of court instances) or legal risks manifest themselves in the activities of specific subjects of organizations – staff, officials, etc.? These authors have set two methodologies of legal risks research – through the conduct of subjects and through the analysis of the structures and content of legal acts.

In our view, the first path of risks study is more inclusive and comprehensive. It allows us to consider risks, in addition to the legal, in sociological, political and economic perspectives, because the conduct of subjects often drops out the field of legal regulation.

Attention should also be drawn to the fact that some international-legal acts delimit risks and, along with legal risks, distinguish a number of other categories of risk. So, in the collective work of I. A. Kiselev, I. A. Lebedev, V. D. Nikitin "Legal Issues of Corporate Risks Management in Order to Combat Money Laundering and Terrorist Financing" it is noted that "the consequences of money laundering for individual financial and non-financial institutes, conscious or unwitting participation of organizations in this process is fraught with high risks for themselves. The Basel Committee on Banking Supervision has identified the following risks, which threaten to banks not implementing procedures of internal control for purposes of AML/CFT:

- risk of damage to reputation;
- financial risks;
- risk of legal consequences;
- credits concentration risk.

The above risks threaten not only to banks, but also to any other financial or non-financial institute that does not respect the requirements of the AML/CFT standards and are potentially involved in money-laundering schemes" [2].

Thus, on the one hand, there is a gradual delimitation of legal risks from reputational, operational, financial and other risks, and on the other hand – legal registration of the above risks and their statement in normative document allows us to put the question of the broad understanding of the category of "legal risk" with attributing to it all these types of risks.

The second trend has formed the concept of risk proposed by V. I. Avdiiskii "Risk Management in the Activity Economic entities" [1, 4-12]. According to the scientist, "risk is a possibility of emergence a managed event under conditions of uncertainty of environment for implementation economic activity, which can be quantitatively and qualitatively evaluated" [1, 5].

The scientific value of the author's understanding the essence of risk is that it is interbranch in nature and reflects monetary (property) component of all civil-law branches of Russian legislation. On the other hand, the methodology of the concept proposed by V. I. Avdiiskii can be applied also in determination of conceptual essence of public-law risks, since public law exercises public interest, including in economic sphere of public relations.

Our first study of public-legal risks was the article "Legal Risks in Public Administration: Invitation to Discussion" [3, 63-76]. In this paper we have analyzed scientific publications of V. V. Kireyev, A. E. Zhalinskii, A. P. Anisimov and P. E. Novikov devoted to constitutional, criminal, environmental risks. Our conclusions touched upon the methodology of determination the essence of public-law risks, and also we formulated the concepts of public-law risk and administrative-legal risk.

So, in our opinion, "public-law risk is a potential threat of adverse development of socially significant, public-law relations as a result of the adoption, implementation and interpretation of legal prescriptions.

Administrative-legal risk is a kind of public-law risk associated with the rule-making, enforcement and interpretive activity of executive authorities, which may entail adverse effects for the established management order in various areas of public administration" [3, 71].

Thus, by comparing the theoretical conclusions expressed in this and earlier conducted study, we can draw the following conclusions concerning the issue of delimitation of civil-law and public-law risks.

1. Civil-law risks are associated with potential property (financial) losses. These losses are due to the property (monetary) nature of civil-law relations. Public-law risks are associated with the prospect of destructive development of socially significant relations in constitutional, administrative, environmental and other spheres of public life. Authoritative decisions of public authorities, wrong interpretation of legal prescriptions may be the form of incarnation of the said destruction. In addition, public-law risks may lead to material losses.

2. The limits of civil-law risks are not limited to mandatory prescriptions. This circumstance is due to the dispositive nature of civil-law relations and the ability of participants to independently choose the limits of their participation in potentially risky civil-law transactions. Public-law risks are limited by legal prohibitions and restrictions. This circumstance is due to the mandatory nature of administrative legal relations that, in turn, predetermines the subordinate nature of interrelations between the subjects of public-law relations.

3. Civil-law risks may arise from business customs, because the latter are the source of civil law. In public-law relations the risks arising from violations of business customs are excluded, because the latter do not constitute the source of public law.

4. Civil-law risks are allocated among participants of legal relations (for example, parties to civil-law obligations) through civil-law methods enshrined in law. Public-law risks should be taken by a particular authority (public authority; person exercising functions of power), decisions and actions of which have contributed to a risky situation and led to financial losses.

5. It should be noted that the range of potential subjects of civil-law and public-law risks differs. In civil-law the risks, as a rule, both parties to legal relations are known in advance, for example, in contractual obligations, or one of the parties, such as a copyright holder. Therefore, the range of persons, which are potentially at risk, is determined in advance. In public-law relations the range of potential subjects of risks is not determined beforehand, especially if we are talking about an authoritative prescription addressed to beforehand undefined range of persons.

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Zhdanov N. M.

ADMINISTRATIVE RESPONSIBILITY OF DEPUTIES, JUDGES, PROSECUTORS AND OTHER OFFICIALS PERFORMING SPECIFIC PUBLIC FUNCTIONS

Zhdanov Nikolai Mikhailovich,
c.j.s. (PhD in law), Associate professor of the Chair of constitutional and administrative law at private educational institution of higher vocational education "Omsk Juridical Academy", Associate professor, Omsk.

The article examines the current legal provisions governing special conditions for administrative prosecution of deputies, judges, prosecutors and some other subjects, formulates proposals on improvement of the legislation on administrative offenses.

Keywords: administrative responsibility, release from administrative responsibility, immunity, responsibility of deputies, judges and prosecutors.

Part 2 article 1.4 of the Code on Administrative Offences of the RF (hereinafter – CAO RF), which is devoted to the principle of equality before the law of persons who have committed an administrative offence, contains a provision that makes an exception to this principle. Let›s reproduce the text of the provision verbatim: "Especial conditions for taking measures aimed at ensuring proceedings in a case concerning an administrative offence or bringing to administrative responsibility of officials exercising certain state functions (deputies, judges, prosecutors and other persons) shall be established by the Constitution of the Russian Federation and by federal laws".

The phrasing raises a number of questions. First, in doubt the correctness of the wording of "officials exercising certain state functions", secondly, there is no list of such persons, thirdly, it is unclear why the legislator makes an exception to

the general principle of the equality of all before the law, fourthly, it is not clear why the CAO RF that is announced in article 1 as the only federal legal act that regulates administrative responsibility is removed from the regulation of responsibility of such persons and sends law enforcers to the Constitution of the Russian Federation and other federal laws, etc. The list of such questions, which are not so much of theoretical but practical, applied value, can be continued long enough. Let's try to find the answers to the designated and other questions arising concerning this issue.

The wording of the law brings to life various points of view expressed in the legal literature and enshrined in normative sources. So, O. V. Pankova believes that there are special subjects of administrative responsibility with full or partial immunity from administrative jurisdiction, and enumerates among them officials who perform specific public functions, who are established by the Constitution of the Russian Federation and federal laws of the Russian Federation, which include members of the State Duma and the Federation Council members, the RF President, judges, prosecutors and investigators, registered candidates to representative bodies of public authority [17, 62-63]. A similar view was expressed by N. V. Makareiko, pointing to the existence of such important issue as the immunity of certain entities (deputies, judges and prosecutors) from administrative responsibility, by virtue of which the mentioned officials in practice can avoid bringing to administrative responsibility, what in turn generates permissiveness, and these actors have potent power resource that repeatedly increases the damage that they can inflict [16].

As already noted, the legislator does not establish a full list of officials that perform specific public functions, using a vague wording "and other persons". Of course, this is not conducive to the needs of law enforcers and researchers of the considered issue, brings to life the numerous viewpoints (including the previously said ones) concerning this issue. The only (although, in our view, not enough legitimate) instrument, which has sub-legislative nature, is a departmental normative legal act of the RF MIA. According to Administrative Regulations of the Ministry of Internal Affairs of the Russian Federation Concerning the Execution of State Function of Control and Supervision over Compliance with the Requirements in the Area of Road Safety by Road Users approved by the Order of Ministry of Internal Affairs of Russia No. 185 from March 02, 2009 [11], officials with specific public functions, who are subjected to the special conditions of application the measures of ensuring proceedings on a case of administrative offence and bringing to administrative responsibility, include:

- registered candidate for the RF President (article 42 of the Federal Law No. 19-FL from January 10, 2003 "On the Elections of the President of the Russian Federation" [8]);
- member of the Council of Federation, deputy of the State Duma of the Federal Assembly of the Russian Federation (article 19 of the current edition of the Federal Law No. 3-FL from May 08, 1994 "On the Status of Deputy of the Federation Council and the Status of Deputy of the State Duma of the Federal Assembly of the Russian Federation" [4]);
- deputy of the legislative (representative) body of state power of a subject of the Russian Federation (article 13 of the Federal Law No. 184-FL from October 06, 1999 "On the General Principles of Organization of Legislative (Representative) and Executive Authorities of State Power of the Russian Federation Subjects" [6]);
- registered candidate for a deputy of the State Duma of the Federal Assembly of the Russian Federation (article 47 of the Federal Law No. 51-FL from May 18, 2005 "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" [9]);
- registered candidate for a deputy of legislative (representative) body of state power of a subject of the Russian Federation, representative body of a local self-government body, registered candidate for the position of an elected official of local government (article 41 of the Federal Law No. 67-FL from June 12, 2002 "On the Basic Guarantees of Electoral Rights of the Citizens of the Russian Federation and the Right to Participate in the Referendum" [7]);
- the Commissioner for Human Rights in the Russian Federation (article 12 of the Federal Constitutional Law No. 1-FKL from 26 February 1997 "On the Commissioner for Human Rights in the Russian Federation" [1]);
- member of election commission, referendum commission with casting vote right, chairman of election commission of a subject of the Russian Federation (article 29 of the Federal Law No. 67-FL from June 12, 2002 "On the Basic Guarantees of Electoral Rights of the Citizens of the Russian Federation and the Right to Participate in the Referendum");
- judges (article 16 of the RF Law No. 3132-1 from June 26, 1992 "On the Status of Judges in the Russian Federation" [3]);
- prosecutors (article 42 and paragraph 2 article 54 of the Federal Law of the RF No. 2202-1 from January 17, 1992 "On the Prosecutor's Office of the Russian Federation" [2]).

Thus, this list can serve as a guideline for categorizing certain entities as officials that perform specific public functions. At the same time we cannot but note the fact that it is totally unclear in respect of classification criteria by which the mentioned entities are included in the list and what is the difference between "certain public functions" and all other public functions? Moreover, it is clear that some of these entities, for example, registered candidate for a deputy of legislative (representative) body of state power of a subject of the Russian Federation, representative body of a local self-government body, registered candidate for the position of an elected official of local government and other candidates to hold certain positions at the time of possession this status generally do not perform any public function, and only lay claim to it with vague prospect in the future.

Meanwhile, there is a gradually strengthening opinion in the public mind, and also in the law enforcers' community, that the considered entities are not subject to administrative responsibility at all (do not bear it) and (or) are exempt from it.

However, this is far from being the case, and the special conditions of bringing these officials to administrative responsibility that are mentioned in part 2 article 1.4 CAO RF do not mean or imply the existence of complete immunity from administrative jurisdiction and their release from responsibility. Doubting the need for existence and legislative enshrining these special conditions, let's consider, however, these special conditions regulated by existing legal acts.

The Constitution of the Russian Federation does not explicitly mention special conditions for bringing to administrative responsibility, but in relation of the members of the Council of Federation and deputies of the State Duma States it is said that they shall possess immunity during the whole term of their mandate, they may not be detained, arrested, searched, except for cases of detention in flagrante delicto, as well as they may not be personally inspected, except for the cases envisaged by the federal law in order to ensure the safety of other people; the issue of depriving immunity shall be solved upon the proposal of the Procurator General of the Russian Federation by the corresponding chamber of the Federal Assembly (article 98); in respect of judges it is said that they shall possess immunity and that a judge may not face criminal responsibility otherwise than according to the rules fixed by the federal law (article 122).

Analysis of federal laws dealing with the determination of the status of subjects referred to in article 1.4 CAO RF suggests significant differences in the formulation of the special conditions for bringing them to administrative responsibility.

In particular, in accordance with part 4 article 16 of the Federal Law "On the Status of Judges in the Russian Federation", decision of bringing a judge to administrative responsibility is taken:

- in respect of a judge of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation, the Supreme Court of a Republic, district, regional court, court of a city with federal status, autonomous region court, autonomous district court, military court, Federal Arbitration Court – by a judicial panel of three judges of the Supreme Court of the Russian Federation upon the petition of the Procurator General of the Russian Federation;
- in respect of a judge of another court – by a judicial panel of three judges of respectively the Supreme Court of a Republic, district, regional court, court of a city with federal status, autonomous region court, autonomous district court upon the petition of the Procurator General of the Russian Federation.

Decision on the question of bringing a judge to administrative responsibility is taken in 10 days after the receipt of the petition of the Prosecutor General of the Russian Federation.

Law-enforcement practice of implementation the established procedure for bringing judges to administrative responsibility is enough extensive and transparent, what reflects not only the potential but also the actual possibility of exercising legal regulations.

The Law quite differently regulates the issues of bringing representatives of the Federal Assembly (the members of the Federation Council and State Duma deputies) to administrative responsibility. They are regulated in articles 19 and 20 of the Federal Law No. 3-FL from May 08, 1994 "On the Status of Deputy of the Federation Council and the Status of Deputy of the State Duma of the Federal Assembly of the Russian Federation" (in the current edition). In accordance with the provisions of these articles, a member of the Federation Council, deputy of the State Duma have immunity during the whole term of their authority, without the consent of an appropriate Chamber of the Federal Assembly of the Russian Federation they may not be:

a) brought to criminal responsibility or to judicially imposed administrative responsibility;

b) detained, arrested, inspected (except for cases of detention in flagrante delicto) or questioned;

c) subjected to body search, except when required by federal law to ensure the safety of other people.

Immunity of a member of the Federation Council, deputy of the State Duma applies to their current residential and office accommodation, personal and service vehicles, means of communication, documents and baggage belonging to them, to their correspondence.

In the case of criminal proceedings initiation or commencement of proceedings on a case of administrative offence, which provide for judicially imposed administrative responsibility against the actions of a member of the Federation Council or deputy of the State Duma, the body conducting the preliminary inquiry or the investigator within three days informs the Prosecutor General of the Russian Federation. If a criminal case has been initiated or proceeding on a case of administrative offense, which provides for judicially imposed administrative responsibility, has been instituted against actions associated with the exercise of official duty of a member of the Federation Council, State Duma deputy, the Attorney General of the Russian Federation within a week after receiving the message of the body of inquiry or investigator is obliged to introduce to a relevant chamber of the Federal Assembly of the Russian Federation a petition on depriving immunity of a member of the Federation Council, State Duma deputy.

After the end of inquiry, preliminary investigation or proceeding on a case of administrative offence, which provides for judicially imposed administrative responsibility, the case cannot be brought before the Court without the consent of the relevant chamber of the Federal Assembly of the Russian Federation.

Member of the Federation Council, State Duma deputy cannot be held criminally or administratively liable for expressing an opinion or expression a position in the voting in a corresponding chamber of the Federal Assembly of the Russian Federation and other actions consistent with the status of a member of the Federation Council and the status of a State Duma deputy, including at the expiration of their term of office. If, in connection with such actions a member of the Federation Council, State Duma deputy has made a public insult, slander or other violations, responsibility for which is provided for by federal law, the institution of criminal proceedings, the performing of initial inquiry, pre-trial investigation or initiation of proceeding on a case of administrative offence, which provides for judicially imposed administrative responsibility, shall be carried out only in case of deprivation immunity of a member of the Federation Council, deputy of the State Duma.

The issue of depriving immunity of a member of the Federation Council, deputy of the State Duma is resolved upon the petition of the Procurator General of the Russian Federation by a relevant Chamber of the Federal Assembly of the Russian Federation.

The Federation Council, the State Duma shall consider the petition of the Prosecutor General of the Russian Federation in the manner prescribed by regulations of the relevant Chamber of the Federal Assembly of the Russian Federation, take a reasoned decision concerning the petition, and within three days notify the Prosecutor General of the Russian Federation. By the decision of the relevant Chamber of the Federal Assembly of the Russian Federation additional materials may be claimed from the Prosecutor General of the Russian Federation. Member of the Federation Council, State Duma Deputy, in respect of which a petition has been submitted, shall have the right to participate in addressing the issue at the meeting of the relevant Chamber of the Federal Assembly of the Russian Federation.

Refusal of the corresponding Chamber of the Federal Assembly of the Russian Federation to agree to deprive immunity of a member of the Federation Council, State Duma deputy is a circumstance that precludes criminal proceedings or proceedings on a case of administrative offence, which provide for judicially imposed administrative responsibility, and leads to termination of such cases. Decision on termination of a corresponding case can be canceled only if there are newly discovered circumstances.

A body conducting an initial inquiry, investigator or the court, within three days, notifies corresponding Chamber of the Federal Assembly of the Russian Federation about criminal proceedings initiation or commencement of proceedings on a case of administrative offence, which provide for judicially imposed administrative responsibility, about termination of the case or about entered into legal force court verdict.

As for the procedure of bringing prosecutors to administrative responsibility, the possibility of its occurrence is regulated in article 42 of the Federal Law of the RF No. 168-FL from November 17, 1995 "On the Prosecutor's Office of the Russian Federation" (with the latest amendments and additions) [5], according to which the verification of messages about the fact of offence by a prosecutor is an exclusive competence of procuracy authorities. Detention, delivery, personal examination of a prosecutor, examination of its things and transport is prohibited except when it is mandated by federal law to ensure the safety of others and detention during commission of a crime.

Special administrative-legal status in the sphere of administrative responsibility of the Commissioner for Human Rights is governed by article 12 of the Federal Constitutional Law No. 1-FCL from 26 February 1997 "On the Commissioner for Human Rights in the Russian Federation", the text of which reads as follows: "The Commissioner shall enjoy immunity during the whole term of its powers.

Without the consent of the State Duma it cannot be brought to criminal or administrative responsibility imposed in court, arrested, detained, searched, except in cases of detention in flagrante delicto, as well as subjected to personal examination, except for cases stipulated by federal law to ensure the safety of other persons. The Commissioner›s immunity applies to its residential and office accommodation, baggage, personal and service vehicles, correspondence, means of communications, and documents belonging to it [1].

As you can see, the legislative regulation of the procedure for bringing the considered entities to administrative responsibility of varies greatly in scope, content, order and sophistication of the procedures for bringing, etc. For example, in regard to administrative responsibility of the State Duma deputies and the Federation Council members, the Commissioner for Human Rights it is only about a special order for bringing to responsibility occurring in court proceedings, which gives an opportunity to bring them to administrative responsibility in a general manner by other (not judges) entities endowed with jurisdictional powers. However, such order does not apply to judges and prosecutors.

How should the provisions contained in part 2 article 1.4 CAO RF be implemented in law-enforcement practice? Unfortunately, the procedure of bringing the considered entities to administrative responsibility, but only if there is a violation of traffic rules, is defined in the previously named order of the Ministry of Internal Affairs of Russia No. 185 from March 02, 2009, which approved Administrative Regulations of the Ministry of Internal Affairs of the Russian Federation Concerning the Execution of State Function of Control and Supervision over Compliance with the Requirements in the Area of Road Safety by Road Users. However, also the content of this document in part of a special order of bringing to administrative responsibility and application of coercive measures of procedural ensuring in respect of the considered entities raises a number of serious questions of researchers [13].

Enshrined in CAO RF attempt to define specific conditions and procedure for bringing deputies, judges, prosecutors and other persons to administrative responsibility through considering them as officials, even if performing certain public functions, seems to be unsuccessful. As is known, article 2.4 CAO RF, which regulates responsibility of officials, states that an official, who has committed an administrative offence in connection with its failure to discharge or improper discharge of its official duties, shall be administratively liable. With a stretch it can be possible to admit that the considered entities (e.g., candidates for deputies) fall under the definition of the notion of officials contained in a footnote to the article 2.4

CAO RF. In addition, it appears that most administrative offences are committed by these persons off-duty and in an unofficial atmosphere.

As you know, CAO RF is a legal act of direct action, exhaustively regulating legal relations of administrative and jurisdictional nature, understandable to not only law enforcers, but also to other participants of mentioned legal relations. In this regard, it seems unjustified to include in it norms of reference nature, similar to that contained in part 2 article 1.4 CAO RF and establishing special conditions for administrative prosecution of deputies, judges, prosecutors and other persons. In addition, in accordance with part 1 article 1.1 CAO RF, legislation on administrative offences consists of the Code and adopted, in accordance with it, laws on administrative offences of the subjects of the Russian Federation, i.e., at the federal level no legislative acts but solely the Russian Federation Code on Administrative Offences decides on administrative responsibility of all the subjects without exception.

Note, that attempts to draw the attention of lawmakers on the need to enshrine in CAO RF special provisions relating to the responsibility of certain persons (including deputies, judges, prosecutors, etc.) have been taken. Thus, at the State Assembly – Qurultay of the Republic of Bashkortostan the Russian State Duma was introduced a draft law on addition to CAO RF a new chapter 30.1 "Peculiarities of Proceedings on Cases of Administrative Offences in Relation to Certain Categories of Persons", which was considered on the 14th of June, 2007 [18]. Not stopping at the essence of the draft that also touches upon the procedure for bringing the considered entities to administrative responsibility, from the substantial point of view we note undoubted relevance of turning CAO RF into a document of direct action.

The current special conditions of bringing the considered entities to administrative responsibility are quite cumbersome; require involvement of numerous representatives of public authorities, up to the Prosecutor General of the Russian Federation; stretched in time. On the one hand, it serves as additional guarantees of immunity of some officials, but on the other hand, makes it possible to evade responsibility simply because of the expiration of period of limitation for the institution of administrative proceedings without review on the merits the issue of bringing to such.

Current state of Russian society obviously voicing intolerance to offenses of any kind and nature not only by representatives of law enforcement bodies, but also by other representatives of authorities, allows us sufficiently justified to raise the question about the extent of their responsibility for committing of administrative offenses. However, it is not about preserving the existing order, but about

equal or perhaps even higher compared with other entities level of responsibility. The current lack of elaboration of legal prescriptions regarding, for example, the possibility of administrative responsibility of prosecutors (there is neither an enshrined order, nor the subjects, nor the timing of review, nor the form and details of a final procedural document, etc.) leads to the situation that raises a fair concern: "as for the procedure for bringing prosecutors to criminal and administrative responsibility, it is such that a prosecutor has an opportunity if not avoid bringing to deserved responsibility, but at least very seriously prepare for it, to take action to destroy traces of an offence, including hiding of illicit income, and as a result to receive the minimum punishment. There are no such opportunities among other law enforcement officials, and the more among the so-called ordinary citizens, even if they are obviously not guilty, that in our time is not a rarity.

So, when bringing prosecutors to criminal and administrative responsibility, the verification of message about the fact of offence committed by a prosecutor is an exclusive competence of prosecutor's office (that is, the presence or absence of the signs of an offence in the actions of prosecutor will be determined by its colleagues), detention, delivery, personal examination, examination of its belongings and transport is not permitted, except for cases prescribed by federal law…" [14].

Pointedly, that the Chief Adviser to the State-legal Administration of the President of the Russian Federation A. V. Kirin, speaking about the necessity of the conceptual editing of provisions concerning the subjects of administrative offences, sees proper to carry out "a significant expansion of the grounds for bringing subjects with special legal personality not to disciplinary, but to administrative responsibility on a general basis" [15, 24]. We believe that this is not just about military personnel, employees of internal affairs bodies and other entities who are subject to disciplinary regulations, but also about the considered category of officials.

It seems that the main motivation to change the existing order of bringing deputies, judges and prosecutors and other considered entities to administrative responsibility may be the provisions contained in the Decision of the Constitutional Court of the RF No. 5-P from February 20, 1996 "On the testing the constitutionality of provisions of the first and second parts of article 18, article 19 and the second part of article 20 of the Federal Law from May 08, 1994 "On the Status of Deputy of the Federation Council and the Status of Deputy of the State Duma of the Federal Assembly of the Russian Federation". In particular, this document states that "the immunity of a parliamentarian does not mean its release from

responsibility for an offence, including criminal or administrative one, if the offence has been committed not in connection with the implementation of actually deputative activity. Expansive understanding of immunity in such cases would lead to a distortion of a public-law nature of parliamentary immunity and to turning it into a personal privilege, which would mean, on the one hand, the wrongful removal of the constitutional principle of equality of all before the law and court (article 19, part 1), and on the other hand –violation of the constitutional rights of victims of crime and abuse of power (article 52). Therefore, subject to the restrictions provided for in article 98 of the Constitution of the Russian Federation, exercising of judicial proceedings at the stage of inquiry and preliminary investigation or proceedings on administrative offences up to the decision to refer case to court under the provisions of the Criminal Code, Code of Criminal Procedure of the Russian Federation and CAO RF without the consent of corresponding Chamber of the Federal Assembly is permissible in respect of a parliamentarian"[10]. If the Constitutional Court of the Russian Federation has addressed these words to the upper class of the deputies, they are fully applicable in relation to other entities covered by the protection of today's legal structure contained in part 2 article 1.4 CAO RF.

One of the possible options to resolve this issue is seen in the legal enshrining of a provision that the considered entities bear administrative responsibility on a general basis. If an offense is committed in the exercise of service activity, then the special conditions of bringing these entities to administrative responsibility enter into force.

Another option of legislator's actions is a return to the issue concerning the consolidation in a separate chapter of CAO RF of provisions directly regulating the grounds and procedure for administrative responsibility and application of other administrative and coercive measures in relation to specific subjects included in the exhaustive list established by law, and not by departmental legal act. Note, that the possibility of such enshrining can be observed in chapter 42 of the Administrative Offences Code of the Republic of Kazakhstan "Peculiarities of Proceedings on Cases of Persons with Privileges and Immunity from Administrative Responsibility". This chapter defines the procedure of bringing to administrative responsibility of deputies of the Parliament of the Republic of Kazakhstan (art. 686), candidates for the President, for deputies of Parliament (art. 687), the Chairman or members of the Constitutional Court (art. 688), judges (art. 689) and the Prosecutor General of the Republic of Kazakhstan (article 690). Let's note that prosecutors are at all not included in the list of persons with privileges and

immunity from administrative responsibility, and the issues of their responsibility are regulated in section "General Provisions" of article 35 "Administrative Responsibility of a Serviceman, Prosecutor and other Persons, which are Subject to Disciplinary Statutes or Special Provisions, for Commission of Administrative Offences".

We believe that such legal norms contained in the law are extremely important, especially for law enforcers. Their absence gives rise to the view that the authorized officials in the course of law enforcement activity should be able to subdivide officials who have committed administrative offences in six separate groups [12, 74]. We believe that law enforcers should not engage in any classifications, especially under criteria non-designated by the author, and in dealing with issues of bringing to administrative responsibility they should be guided by solely specific, and not reference norms of CAO RF.

Secondly, direct wordings of the law are required also to form public perception of legal prescriptions as not declarative, but really able to ensure the implementation of the constitutional principle of equality before the law.

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ANNOUNCEMENT
OF THE VII INTERNATIONAL SCIENTIFIC-PRACTICAL CONFERENCE "TOPICAL ISSUES OF ADMINISTRATIVE RESPONSIBILITY" HELD BY OMSK ACADEMY OF LAW WITH THE SUPPORT OF THE OMSK REGIONAL BRANCH OF THE ALL-RUSSIAN PUBLIC ORGANIZATION "ASSOCIATION OF LAWYERS OF RUSSIA"

Dear Colleagues!

We invite you to take part in the VII International scientific-practical conference "Topical Issues of Administrative Responsibility", which will be held on May 16, 2014 on the basis of the Omsk Academy of Law, with the support of the Omsk regional branch of the Russian public organization "Association of Lawyers of Russia".

The Conference will be participated by academic teaching staff of law schools, employees of legal research institutions, law-enforcement bodies, and representatives from judiciary bodies.

Reports and speeches of the participants of the Conference will be published as a separate collection.

Speaking notes or articles in electronic form in the format *Win Word*, font *Times New Roman* (size 14), sesquialteral interval, will be accepted until May 5, 2014. E-mail: kositsin.ia@omua.ru, marked as "Conference".

Beginning at 10 a.m., the Conference registration at 9: 30.

Conference venue: 644010, Omsk, str. Korolenko, 12.

For information on the organization and holding of the Conference please call: (3812) 31-92-45 Chair of constitutional and administrative law, 8-962-058-51-36 – Kositsin Igor Alekseevich, Associate professor of the Chair of constitutional and administrative law.