

ABSTRACTS AND AUTHORS' INFO

The Principle of Subsidiarity in the Case Law of the Court of Justice and the Constitutional Courts of the EU Member States

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Subsidiarity is a fundamental principle of the use of competence in the system of multi-level government. The effectiveness of its judicial enforcement depends on several factors (the existence of clear legal criteria, political consensus on its necessity, positive attitudes of judges). This article deals with the interpretation of the principle of subsidiarity and the judicial review of its compliance in EU, Germany and Italy. It as well identifies the reasons that contribute to the effectiveness of its judicial enforcement.

➔ Principles of law, subsidiarity, European Union, Court of Justice, judicial review, concurrent competence, constitutional courts, Italy, Germany.

Russian Constitutional Model of the Territorial Organization of Public Authority: Specific Features, Transformations, Problems of Optimization

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The article focuses on the fact that modern forms of territorial organization of power become diverse and can not be considered solely in the context of traditional ideas of a federal or unitary state structure. The author identifies and analyzes problems arising in the process of the evolution of the territorial organization of public authority in Russia. Particular attention is paid to the distribution of powers between the public authorities acting on different territorial levels.

➔ Territorial organization of public authority, federalism, federation entity, administrative and territorial unit, local self-government, the distribution of powers.

On the Role of Dual Patterns in the Culture and Law of Russian civilization (a communicative aspect)

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The study deals with the mechanism of the dynamics of Russian culture and law in the context of legal communication in society. The author draws the conclusion that the more substantial anomalies of legal communication in Russia, in terms of civilization, arise from an excessive, culturally supported adherence to the black-and-white patterns of communicative behavior.

☞ Binary nature of culture, legal communication, civilization, hitches and failures of legal communication.

Principle of Social Justice: Comparative Dimension

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Social justice becomes the principle of a democratic and socially oriented society. This principle or its specific elements are regulated by modern constitutions, but the content and indicators of this principle vary in the three global systems of modern law: Islamic, liberal and semi-social capitalist, totalitarian socialist. The article deals with the legal regulation and practice of realization of this principle in Russia and other countries.

☞ Social justice, principles of law, legal indicators, constitutions, social assistance

The Concept, Goals and Features of the Administrative Procedures

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The article explores the concept, goals and features of the administrative procedure. The author attempts to describe its role in the administrative process and state administration taking in consideration the diversity of types of administrative procedures. At the same time she asserts that low efficiency of administrative procedures is coherent to unstable structure of legal relations.

☞ Administrative procedure, administration, administrative process, administrative impact, structure of a legal relation, legal regulation, public administration.

The Institute of Administrative Procedures Development (Formation of the Legal Base of Administrative Regulations of the Federal Bodies of Executive Power as an Example)

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This article deals with the legal foundations for the development and implementation of administrative regulations in the activity of the federal bodies of executive power and problems connected with further improvement of legal regulation of this type of administrative procedures. On the basis of the research the author comes to the conclusion that the use of administrative regulations become an integral part of the activity of the executive authorities and optimize management processes.

➔ Administrative procedures, administrative regulations, federal bodies of executive power, state functions, public services.

Specific Features of the Legal Regulation of International Trade in Financial Services in the WTO

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This paper explores two models of financial market liberalization in the WTO. Special attention is given to the analysis of specific commitments on financial services of Russia as a WTO member. It concludes, when joining the WTO, Russia was able to defend the key positions in banking services. The article is analyzed the problem of legal regulation of the financial sector in Russia in conditions of the sanctions regime.

➔ WTO law, the General Agreement on Trade in Services (GATS), international trade in financial services, specific commitments on financial services, banking services.

On the Russian Model of the Financial Market Mega-regulator

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By comparing powers of financial market mega-regulators in the United Kingdom, Germany and Russia, the author identifies the specific features of the Russian model of the financial market mega-regulator and analyzes its advantages and disadvantages.

→ Russian model of mega-regulator, powers of the Russian mega-regulator, financial market, financial market participants, investment market, securities market, insurance market.

Transactions Aimed at the Termination of the Commitments

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The article deals with the general characteristics of the transactions, aimed at the termination of the commitments. The author analyzes each of these transactions (offset, compensation, innovation, debt forgiveness) in the context of the Russian Civil code changes and judicial practice.

→ Termination of commitments, transactions, offset, compensation, innovation, debt forgiveness.

Changes in the Regulation of the Contract Relations in the Intellectual Property Sphere

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Changes of the 4-th part of the Russian Civil Law Code, concerning contract obligations in the intellectual property sphere, made by the Federal Law of 12 March 2014 N 35, are analyzed in the article. These changes deal with the state registration of the contracts, new significant contract conditions, additional legislative prohibitions of the exclusive right's disposal, new forms of such disposal (open license and public declaration of the free of payment license right giving to anybody). The author points out positive and negative eventual consequences of those changes.

→ Exclusive right, intellectual property, open license, free license, contracts on exclusive right's alienation, royalty.

Crimes against Commercial, Tax or Bank Secret: Concept, Signs, Specific Features of Qualification

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The article reviews actual problems of criminal responsibility for illegal obtaining, divulgence and using of information constituting a commercial, tax or bank secret. The author examines the criminal threat in this area, the signs of the elements of the crime of these acts, especially their qualification, gives the definition of information constituting a commercial or banking secret.

➔ Criminal law protection of confidential information, commercial secret, tax secret, bank secret, illegal obtaining, divulgence and use of information constituting commercial, tax or bank secret.

Legal Drafting as a Legal Activity: Problems of Theoretical Interpretation

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On the basis of the analysis of the concept of «legal activity» the author attempts to give a scientific interpretation of legal drafting as a rather complex material and procedural phenomenon, having an ambivalent legal nature. The author examines it's substantive content, the decisions of the competent authority on establishment, modification or termination of legal rules relating to the essential aspects of the legal regulation mechanism and procedural forms.

➔ Legal activity, legal drafting, legal drafting process, legal regulation mechanism, system of law.

The Legal Consequences of the Withdrawal of the United Kingdom from the European Union

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This article reviews the current problems and the legal consequences arising from the European Union Membership Referendum, which took place in the UK and Gibraltar on June 23, 2016. The author uses different methods of linguistic and legal analysis of the articles of the Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community and the European Communities Act of 1972. The author proves the necessity of legislative regulation of a procedural order of secession from the European Union.

✎ Referendum, exit from the EU, exit process, secession, Brexit, Lisbon Treaty, European Communities Act, denunciation, international treaty.