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IMPOSING THE DUTY TO PRESENT APOLOGIES AS A WAY TO PROTECT THE NON-PROPERTY RIGHTS

Keywords: apology; way of protection; non-property rights; confutation.

In the article is substantiated the introduction into the civil legislation of an apology as an independent way of protecting the non-property rights alongside with compensation for a non-property harm and with the confutation. A boundary is drawn between a public and a private apology, and the grounds and procedure for an application thereof are specified. The author also describes the application of an apology as a way of protection by the public prosecutor, by the commissions on affairs of the underaged, by the public-disciplinary commissions of military formations, by the commissions on mandatory issues and on the issues of the Deputy's ethics, as well as by the courts of honour.

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IMPROVEMENT OF THE LEGISLATION ON THE PLACEMENT OF ORDERS FOR PUBLIC NEEDS

Keywords: judicial system, the judiciary, second instance courts, appeals instance courts, cassation instance courts, the Supreme Court of the Russian Federation, appeal, cassation, supervision, verification.

Amendments are every year introduced into Federal Law No. 94-FZ of July 21, 2005 on the Placement of Orders on the Delivery of Commodities, Performance of Works and Rendering of Services for the State and Municipal Needs, which are aimed at eliminating the vagueness and contradictions, exposed in practice. However, this process is lacking a system. The law is just «patched up», now in one place, now in another, but there is no integral concept for its improvement. As a result, the document still offers wide opportunities for its misuse. The author puts under an analysis the amendments, introduced into this act, which were enforced in 2009.

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ON THE REFORM OF THE RUSSIAN SYSTEM OF GENERAL JURISDICTION COURTS

Keywords: judicial system, court structure, second instance courts, appeals instance courts, cassation instance courts, Supreme Court of the Russian Federation, appeal, cassation, supervision, audit.

The Supreme Court of the Russian Federation has been elaborating the law on the courts of general jurisdiction. What will be these courts' system? What must be paid particular attention when preparing such kind of a draft law? The answers to these questions are provided in the presently published article.

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TO THE QUESTION OF DEFINING THE LEGAL NATURE OF THE ISSUE OF SHARES

Keywords: issue of shares; decision on the placement of shares; corporate act; share; issuer organization.

Numerous works are dealing with the problem of the issue of securities, shares included, but the legal nature of an issue of shares is not finally defined up to now. Debates on the moment of appearance of a share as an object of civil law and of the corporate right to shares are still underway. The author puts under analysis these and the other questions, arising at the study of the institute of an issue of shares, and makes an attempt at systematising and structuring the procedure for an issue of shares and at summing up the existing approaches to conceiving the nature of an issue of shares.

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SAME ASPECTS OF MODERN REFORMING BUDGETARY FINANCING OF OFFICIAL BODIES

Keywords: legal status, budget system, legal person, state institution, budget institution, public institution, autonomous institution.

The article is devoted to the questions of improving the funding of state institutions within the frames of the draft federal law «On introducing amendments to separate legislative acts of the Russian Federation concerning the improvement of the legal status of state (municipal) institutions» which was proposed by the Government of the Russian Federation for the discussion by the federal bodies of executive power. The authors point out at the necessity to amend several provisions of the draft bill in order to stimulate the supplying work of public institutions and to elaborate on the legal status of federal state institutions, subordinate to the federal executive agencies which presuppose military service.

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ON THE NEED TO UNIFY THE ORGANISATIONAL LEGAL FORMS OF SELF-REGULATED ORGANISATIONS

Keywords: legal entities, self-regulated organisations, non-profit organisations.

The article deals with problems of an improvement of the legislation on self-regulated organisations. Correlation of such organisations with the other non-profit organisations, based on the principles of membership, is analysed and criteria are proposed for setting apart the organizational legal forms of non-profit organisations. The author believes that it is necessary to

create an independent organizational legal form for a non-profit organisation as a self-regulated organisation.

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OBJECT OF COMMERCIAL SECRET: CONCEPT AND FEATURES

Keywords: information, comprising commercial secret; the secret of production (the know-how); documented information, fixed on a material medium; information as a commodity; commercial value of information; regime of commercial secret; confidentiality of information; exclusive right to the secret of production (to the know-how).

Legal confirmation of the exclusive right to the secret of production (the know-how) and introduction of amendments into the Law on Commercial Secret, gives rise to theoretical debates on the possibility to refer commercial secret to the objects of intellectual property. This becomes manifest when dealing with the trade secrets, involved in the realisation of a commodity. In this connection, a precise definition of the object of commercial secret assumes practical importance when methods for protecting a violated right to such secret are selected. In the present article are analysed the features, characterising an object of commercial secret and are given recommendations for improving the legislation in this area.

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OBSERVATION OF THE SYSTEMS PRINCIPLES AT THE STATE

REGISTRATION OF RIGHTS TO THE REALTY DE JURE

Keywords: the realty «by law», principles, state registration of rights to the realty, a ship (air, sea-going and inland navigation), a space object, legality, public faith, principle of introduction.

The existence and development of legal relations concerning the realty has created a certain system of basic principles, both in the form of imperative demands and in that of primary ideals in the system of registration of the realty. The present article is devoted to an analysis of the systems principles, characteristic of the realty as a whole and as applied to non-stationary objects, such as ships and space objects, subject to the state registration.

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NON-LIVING PREMISES AS THE OBJECT OF A CONTRACT OF RENT

Keywords: contract of rent; non-living premises, official premises, parts of the premises, the construction elements of buildings.

In the present article the author has touched upon a number of questions, connected with renting non-living premises: the concept of non-living premises as an independent object of rights, its correlation with the concept of a building and problems in putting the premises aside from the other objects. In particular, the author has made an attempt at giving a definition of non-living premises and at clarifying their essential features, as well as at finding out, what property can be an object of rent in the context of setting apart non-living and official premises, parts of the premises and the construction elements of buildings.

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REFORM OF THE ENGLISH CIVIL PROCEDURE LEGISLATION IS NOT COMPLETED

Keywords: reform of the English civil process; stages of the reform; amendments to the Rules; methods for the consideration of cases, pre-trial resolution of conflicts; electronic justice.

More than ten years of experience in the application of the Rules for the Civil Legal Procedure of England, adopted in 1998, showed that the concept of reform, the principles, on which it is based, and the procedural institutions, affected in the course of the reform, have proved to be correct. In the article are analysed three procedures at the consideration of cases by the English courts in the light of 49 amendments (of April, 2009) to the Rules for the Civil Legal Procedure of England, as well as certain initiatives of the Higher Arbitration Court of the Russian Federation, concerning the development of electronic justice.

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INVESTIGATION IN RUSSIA

Keywords: reform of the criminal process, investigator, inquest, a deal with justice.

In the article are considered the issues of organizing investigation in the criminal process in Russia: the specifics in the organisation of the investigatory apparatus, the forms of the performance of this activity and the investigator's powers in conducting an inquest. The issues of narrowing down the investigator's powers and of the restoration of the institute of «court investigators» are touched upon, and an analysis is made of the prospects for a reform of the system of investigatory bodies and for an introduction of such institute as a «deal with justice».

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DEVELOPMENT OF RUSSIAN JURISPRUDENCE IN THE SECOND THIRD OF THE 19TH CENTURY. ARTICLE 13

Keywords: history of scientific jurisprudence in Russia, formation of the Russian science of criminal law, criminal legal science, law scientists M.M. Speransky, S.I. Barshev, G.S. Gordeyenko and R.A. Shtekgardt.

The article is dedicated to the appearance of the science of criminal law in Russia in the forties — he fifties of the 19th century. The author describes how the doctrine of this law as an independent branch of jurisprudence was established and what part in its scientific development was played by such sciences as the history of law, philosophy and psychology.