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PROPORTIONATE REPRESENTATION OF PEOPLES

V.I.Zorkaltsev. Ethnic and Confessional Situation in Russia Today (Part 1)

An attempt to save unity of Russian people in our country's multiethnic society is closely connected with the necessity to stop oppression of Russian people. Development of local cultures should not occur to the detriment of national culture which is oppressed with integration processes of a modern society.

The responsive reaction to economic integration is so-called "localization" (i.e. formation of local communities in the process of globalization) where the spiritual factor is the leader in preservation of national - cultural identity of peoples.

Arising various ethnic and confessional problems should be resolved in that space and due to those resources where they are located, i.e. at federal, regional or municipal levels.

In order to strengthen the integrity and independence of Russia, preservation of ethnic and confessional autonomies (as carriers of tradition

and social-cultural continuity) should become a goal. However, this social problem is not legally regulated yet.

Some people connect a threat of terrorism in Russia with Islam. It's necessary to examine but modern Islam in a context of processes of "Islamic reformation", including penetration of wahhabism into it. The Wahhabi ideology is equally alien to both ethnic and confessional orientations of peoples of Russia and to Islam itself. It is necessary to coordinate actions of the traditional religious organizations and the state bodies, and to strengthen the influence of ethnic and confessional and an ethno-cultural component in Russian politics. Among other things it should be done through the legislation on protection of public morality or spiritual safety, to dispel a myth about connection between terrorism and Islam.

PARLIAMENTARY LAW

Parliamentary Ethics: the Discussion Continues? An Interview of Editor-in-Chief of "Representative Power - 21st Century: Legislation, Commentaries, Problems" A.P.Lyubimov and the Journal's Correspondent N.P. Androsenko with the Head of Division of Ethics of the Institute of Philosophy Professor R.G. Apresyan

In the Fall of 2001, the State Duma authorized the Commission on Ethics to undertake active steps for development of normative base on activities of members of parliament in the field of ethics including creation of the Code of Parliamentary Ethics. Works of foreign scholars in that sphere were studied as well. Besides foreign experience, evaluation of conflict-resolution work in the State Duma itself was taken into account.

Work on studying parliamentary moral can be carried out by means of regular analysis of materials of the Commission on Ethics, and publications in mass media. In the opinion of the Commission of Ethics, the Code of Parliamentary Ethics should contain rules for public behaviour of deputies; norms of interfractional relations; norms of relations between a deputy and his voters; rules of lobbying; deputies' income declarations; prohibition of certain activities, etc.

A.L. Sivkov. Introduction of a Bill to the State Duma: Peculiarities of the Procedure

There is a big number of bills introduced to the State Duma. Most of them have no chance to become laws since they are introduced with violation of the Constitution and Standing Orders of the State Duma. Committees of the State Duma waste their time to consider of drafts that will eventually be returned to their authors.

One of the reasons why it happens is an inadequacy of Standing Orders of the State Duma, and Article 107 in particular. Provisions of that article allow to accept any registered bill for consideration by the State Duma even without a preliminary analysis.

It is necessary to create a filter for draft laws. Two options can be considered here. The first variant is to have two separate procedures in the Standing Orders of the State Duma for a more technical registration of the bill and actual acceptance of the bill for consideration.

The second option is to create a special division of experts in the Committee on Standing Orders who would analyze each bill registered in the Duma to prepare conclusions about its conformity to the Constitution and Standing Orders. On the basis of such conclusions, the Committee would report to the Council of the State Duma.

E.V. Kovryakova. Peculiarities of Parliamentary Control in France (Part 2)

Each chamber of French Parliament has permanent and special commissions, as well as investigation commissions gathering information. Powers of temporary commissions are limited. A decision on creation of the commissions is made by the majority of voices.

Frequency of creations of the commissions depends on relations between the Government and National Assembly. During J. Chirac's presidency, parliamentary majority supported executive branch of government when it was necessary. Investigation commissions can include not more than 30 members. A law on

proportional representation of all parliamentary factions in investigation commissions was adopted in 1991. Investigations include questions to official and private persons, confidential interviews, information gathering, reference to Accounting Chamber with similar requests. A received report is forwarded to the Chairman of the Assembly. Information about it is published in "Journal Officiel" and announced to the Assembly.

In conditions of semi-Presidential republic the parliamentary control is necessary for prevention of usurpation of power, but it should not be too rigid.

CULTURE AND TERRORISM

I.D.Kobzon Culture against terrorism (part 1)

One cannot forget about terrorism and extremism even the safest countries of the world. Atmosphere of fear, uncertainty, and mistrust reigns in the world. Anti-terrorist operations that are not authorized by the world community are a form of the state extremism. Terrorism should be eradicated by all possible means, but such primitive actions as so-called antiterrorist operations in Afghanistan or Iraq disappoint. First of all, it is necessary to understand the reasons and

driving forces of terrorism. Culture should become the main arena of struggle against terrorism. Deep understanding of culture and cooperation in the sphere of culture should lead the world as the culture is a source of a life.

The third session of the World Congress of Spiritual Accord made a reference about establishment of the World Spiritual Forum that should become the spiritual center of the planet with ideals of spirituality and culture as supreme principles of its activities

A.N. Chertkov. Volume and Structure of the Sphere of Shared Competence of the Russian Federation and Its Subjects in Russia and Abroad (Part 2)

Effectiveness of joint realization of federal powers of the Russian Federation and its subjects in the sphere of their shared competence depends on correspondence of their joint work to the Constitution of the Russian Federation. Articles 71 and 72 determine subjects of shared competence.

Use of different terms – “general questions” and “coordination of questions” - in Russian

legislation on shared competence creates a lot of confusion and should be further developed.

Constitution of the Russian Federation has a clear differentiation of competence between federal bodies of the government and bodies of the government of subjects of the federation. Some problems of legislative regulation of subjects of shared competence are caused by lack of clarity of legal technics and should be eradicate.

PHILOSOPHY OF LAW AND RELIGION

B.A. Osipyayn. A New Legal Testament to Deputies of the Parliaments of the World, or constitutional System of Legal Responsibility of Law-Makers. (Part 2)

Constitutional system of parliamentary responsibility before God and people can be considered as absolute.

Separate attempts to define a measure of excessive powers of parliament are undertaken in constitutions and laws of some advanced countries.

An important guarantee of legitimacy of legislative activity is also the institute of roll-call

vote of deputies, and legislative prohibition of any sort of any intervention in process of legislative activity of parliament. Full publicity of work of parliament stimulates realization of a constitutional law of freedom of expression of the opinion and can raise moral and legal responsibility of each deputy in all stages of law-making.

LAW OF CUSTOMS

E.B. Ustilovskaya. The Role of the New Customs Code of the Russian Federation in Development of Customs and Tariffs Regulations Aimed at Formation of Revenue of the Federal Budget from Foreign Trade

The Customs Code of the Russian Federation was adopted by the State Duma on April, 25 and approved by the Federation Council on May, 14, 2003. The 1993 Customs Code of the Russian Federation did not give an answer to a question on, whether customs payments are tax payments. The law of the Russian Federation “On Custom Duties” defined “custom duties of the Russian Federation” as the arch of rates of the customs, but not as a State Tax. All kinds of customs payments as the state duty are admitted as tax incomes of the federal budget in the Budgetary Code of the Russian Federation. Now all kinds of customs payments are recognized as tax payments.

For a long period of time the government of the Russian Federation did not develop the

nomenclature of the goods assessed under the rate of 10%.

The Customs Code of the Russian Federation provided 18 kinds of customs modes. Three most widely used are “ processing of goods in customs”, “temporary import (export)” and “release of goods for free reference (manipulation)”. It only remains to hope that the list of categories of the goods imported with full clearing of payment of duties, will be made properly. In fact the Code does not contain the full list of similar customs modes.

It is necessary to define an order of introduction of disconnect special customs modes in it. A special place in the Code have statuses of the refugee and the compelled

immigrant, supposing full clearing of the imported goods of duties, taxes. The Code also adjusts questions of maintenance of activity of customs bodies. Adoption of the Code led to the necessity of development of new laws on

customs payments concerning monitoring of prices for oil in the world markets of oil raw material, including rouble and dollar exchange rates. Income of the federal budget directly depends on that.

JUDICIAL PRACTICE OF ELECTORAL DISPUTES

I.V. Galushko, M.I. Minaeva. Electoral Disputes: Their Nature, Judicial Practice, Influence on Development of Election Legislation (Part 2)

Legal conflicts during election campaigns are resolved by electoral commissions or courts. When carrying out justice on such disputes federal courts of general jurisdiction reveal and eliminate mistakes of legislators, put new questions before them, and offer new models of legal regulation which can eventually become legal norms.

The following actions of legislators regarding defects of legal regulation revealed by judiciary practice are possible: elimination of defects of legal regulation; ignoring by legislators of

necessity to eliminate defects of the legal regulation revealed by judiciary practice, or impossibility to make it because of absence in an arsenal of legislators necessary methods of analysis of judiciary practice.

Thus, judiciary practice influences all sides of electoral process, and promoting development of its separate elements. The legal design produced by court can be perceived by the legislator, and before its fastening in the law the rule produced by court can operate as legal custom.

LEGISLATIVE TECHNIQUE

B.V. Chigidin. Classification of Mistakes in the Sphere of Legislative Technique in Contemporary Russian Legislation (Part 2)

Logical mistakes of the legislator are caused by non-observance of rules of legal technics by them. Here are the most typical logical mistakes: logical contradictions (infringements of formal logic at which the same subject taken in the same attitude (relation), during the same period of time is interpreted by various image), infringement of harmony of definition of a concept (infringement of identity of volume of determined and determining concepts), a tautology (a mistake at

which determined and determining concepts coincide), definition of the unknown through the unknown.

Gnoseological mistakes are a consequence of inattentive studying of internal and external connections of rules of law of a certain act. It is necessary to notice, that a wrong understanding by the legislator of essence of a law as a normative legal act leads to even bigger confusions.

FIGHT AGAINST CORRUPTRION IN ORGANS OF THE GOVERNMENT

V.K. Maximov. Russian Corruption in the Mirror of Statistics (Part 2)

Extensive information can be gathered for different types of crimes. Author of the article provides an account of dynamics of revealed and resolved crimes, a number of detained and sentenced persons and gives a comprehensive characteristics of corruption.

According to statistics, every third person giving a bribe avoids criminal responsibility and only every sixth person is sentenced. Annually almost 400 revealed facts of corrupt practices and 200-300 cases of commercial payoff remain unopened.

A gap between tendencies of corrupt practices and control over them by the state, is

reflected in official statistics, and totally unacceptable.

LEGAL REGULATION OF SECURITIES

A.Yu. Gribov Problems of Legal Regulation of Securities

Correction of existing mistakes in the field of legal regulation of the reference of securities remains an important problem for law-makers in Russia. For instance, contrary to provisions of Article 128 of the Civil Code of the Russian Federation, securities can be attributed to things only partly as they, firstly, can exist in a virtual, i.e. non-material form, secondly, the major material claim, is not applied to them, thirdly, relations of subjects of the rights, certified by the securities are determined as obligations, but not material (and not only in Russian, but also in the foreign legislation), etc.

As a result, there is an ambiguity regarding what rights and claims can be applied in relation to securities: material or obligatory. In this connection it is necessary to note, that according to a settled definition, the thing is a material subject which source of value consists in its

natural property.

To such thing there can correspond this or that valuable paper which, in turn, can be an object of the property right.

For reception of more full characteristic of a valuable paper of special attention earns studying process of its occurrence deserves as a result of evolution of contracts. Article 142 of the Civil Code of the Russian Federation requires updating as it gives not quite exact definition of securities generating an opportunity of ambiguous interpretation of some provisions.

Also it was necessary to fix legislatively, that the valuable paper has obligations character irrespective of, on what carrier it is executed, and can be alienated to any person irrespective of will of the undertaking side.

HUMAN RIGHTS. INFORMATION FOR ALL

A.P. Lyubimov. On Public Access to Official Information in the Russian Federation

The June 2003 session of Scientific-Advisory Council on Systematization, Codification Legal Information considered questions of people's concerning access to legal information.

A program of creation of all-Russian network of public centers of legal information on the basis of popular libraries was discussed.

The following steps of decision of problems of public access to official information in the Russian Federation were discussed: amplification of works on access to legal information; acceleration of drafting and adoption a federal law providing the mechanism

of realization of the constitutional norm guaranteeing to everyone the right of access to information; carrying out coordination meetings at the federal level; accomplishment of program "Electronic Russia" (2002-2010); use of experience of the advanced areas in this question; creation of an all-Russian information portal; creation of a system of summary thematic planning of release of the legal literature; participation in UNESCO's program "Information for Everybody".

WOMEN'S CONGRESS

T.V. Chertoritskaya. Problems of Demography in Russia Today

Demographic crisis and children's neglect, perhaps, can be considered global problems of our times. Now and then we encounter an unexceptable

attitude to a human being not as to a self-sufficient person, but as to a kind of a "biorobot" that carries out certain functions in a society.

A comprehensible solution of a demographic problem is a solution of paramount social problems, and only then - a large-scale increase in a population. Social policy should become a basis of social safety and growth of the

L.V. Erofeeva, M.G. Kolomeitsev, D.A. Erofeev. Legislative Aspects of Protection of Reproductive Health of Russia's Population

In the last decades, reproductive health of Russians has been significantly deteriorating, especially among teenagers and young people. Certain acts on information and education of the population are aimed at preventing diseases, educating teenagers, maintaining legal and material support of motherhood and childhood, strengthening reproductive health. However, modern state policy in the sphere of health still leaves to wish better.

Not enough attention was paid to the "Concept of Public Health Care of the Russian

population. Reproductive health and rights of each citizen should be an essential component of the state policy based on creation of social safety and stability.

Federation till 2005" adopted in August 2000. Another concept - the "Concept of Protection of Reproductive Health of the Population of Russia for the Period of 2000-2004" - calls for adoption of new specialties for maintenance and protection of reproductive health, to work in the field of the information, education and communications. A complex approach is necessary for improvement of reproductive health of teenagers. Teachers, sociologists and medical workers should contribute to this.

CRIMINAL NOVEL

A.N. Domrin. Case CR-00-0284 "United States of America vs Pavel Ivanovich Lazarenko"

In February 1999, border patrol at New York John F. Kennedy International Airport detained a citizen of Ukraine who declared that he had arrived for reunion with his family and requested a political asylum. The man appeared to be a former Prime Minister of Ukraine, leader of a large opposition party and a former presidential candidate Pavel (Pavlo) Ivanovich Lazarenko.

It was found out soon that he had been accused of money-laundering in Switzerland, and released on bail. At the end of June 2000, Lazarenko was found guilty of money-laundering and sentenced (in absentia) by the Geneva Court to imprisonment and large fine.

As it became known further, criminal investigation of Lazarenko's activities was going on in Ukraine too. He was accused in abusing authority, corruption, plunder of the state property in especially large volumes, larceny of budgetary funds, financial frauds, and money-laundering. Later some new accusations, including participation in monetary frauds, smuggling of Russian natural gas, forging of

documents (together with former heads of the "Unified Energy System of Ukraine"), giving an order and financing of murders of People's Deputies Vadim Getman and Eugeny Shcherban, were added to his case too.

After studying all aspects of the affair, the US authorities indicted him with "arrangement with the purpose of money-laundering", "money-laundering", "frauds" and "transfer of stolen property and capitals".

Court hearing of the "Ukrainian case" was repeatedly postponed. And it's not clear yet that it will eventually happen. General Procuracy of Ukraine repeatedly requested Lazarenko's extradition from the U.S., but it has not produced any result yet. Most probably it will never happen. In the end, he channeled millions of dollars to the U.S. assets and not from the country. Besides, American authorities need him as a card in their unsettled relations with current Ukrainian President Kuchma.

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