

## **ECONOMIC AND LAW ISSUES. 2015. № 2**

### **STATE AND LAW. LEGAL SCIENCE**

#### **THEORY AND HISTORY OF STATE AND LAW**

##### **TO THE QUESTION OF THE CONSTITUTIONAL STATE AS SOCIAL POLITICAL AND LEGAL PHENOMENON**

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In article the problem of research of specific aspect of formation of the constitutional state of Post-Soviet Russia, as the social political and legal phenomenon based on traditions of historical experience of development of domestic legal system and transfer of political and legal culture in development of society is staticized. The questions of theoretical and practical character connected with evolution of the Russian statehood and influence of the fundamental scientific principles of world concepts of the constitutional state on domestic practice of formation of the state and the rule of law, development of legal relationship between the state and society are considered.

*Key words:* history of state and law, constitutional state, executive power, self-government, civil society, concept of the constitutional state.

##### **THE SUBJECT OF THE LEGAL PROCESS AND THE SUBJECT OF LEGAL POSITIONS IN THE LEGAL PROCESS, THEIR INTERACTION WITH THE LEGAL RESPONSIBILITY**

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Examines the influence of legal positions on legal responsibility. Formulates meaningful and functional components of the legal position, as well as the classification of the characteristics, functions and types of legal positions.

*Key words:* legal process, the legal position that the subject of the legal process, subject of law, legal responsibility.

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**HISTORICAL AND THEORETICAL ASPECTS OF CUSTOMS CONTROL  
IN THE PRE-REVOLUTIONARY PERIOD**

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The article gives a retrospective analysis of customs control in the pre-revolutionary period. The article analyzes the main regulations of this time.

*Key words:* customs, forms of customs control, the history of customs control, customs control in the pre-revolutionary period.

**SYNERGETIC IN SYSTEM OF METHODS OF THE THEORY OF LAW**

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The article is devoted to research of synergetic method in theory of law. Discusses its descriptive function, based on the use of analogies, as well as features its measurement and prognostic.

*Key words:* methodology of law, synergetic method of cognition, measurability of law, synergetic in social sciences.

**FINANCIAL LAW**

**TO THE QUESTION OF UPDATING CERTAIN PROVISIONS  
OF FINANCIAL LAW**

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Considered three areas (snippet) appropriate updating of the provisions of the financial law of science: (1) the specification of the content of theoretical concepts (Finance, financial system, financial activity in relation to the system and structure of financial law); (2) the dynamics of relations in the spheres of economic activity, accounting and valuation and, accordingly, the legal aspects of these relationships (mostly technical-legal nature of legal regulation); (3) justification the provisions on the need to consider these relations in connection with the subject of financial law and their introduction into the system of financial law as an industry entities under the new industry structure.

*Key words:* Finance, financial relations, financial policy, financial system, financial activity, subject of financial law, method of Finance.

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**HISTORICAL AND LEGAL FEATURES OF THE STATE NON-BUDGETARY FUNDS  
FUNCTIONING SYSTEM FORMATION**

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The article is focused on the studying of the historical experience of state non-budgetary funds functioning legal regulations and their financial support. By means of historical analysis, legal features regulating pension system, social, medical security and insurance were researched. There is an author's suggested periodization, based on the research findings, with the distinguished features and aspects of each stage of formation.

*Key words:* state non-budgetary funds, insurance contribution, pension system, social, medical security and insurance.

**PROBLEMATIC ISSUES OF THE LEGISLATION OF THE RUSSIAN FEDERATION  
OF RETURN (OFFSET) OF EXCESSIVELY PAID OR EXCESSIVELY COLLECTED SUMS  
OF THE CUSTOMS DUTIES, TAXES AND OTHER MONEY**

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Explains how to return (offset) of overpaid or overcharged amounts of customs duties and taxes. A great place is paid to subjects having the right to submit an application to the customs authorities on the return of overpaid or overcharged amounts of customs duties and taxes, as well as the restoration of the missed deadline specified application. The main attention is drawn to the absence of the customs legislation of provisions on indexation of customs duties and taxes, returned to the payer.

*Key words:* back, offset, overpaid or overcharged, duties, taxes, customs duties payer.

**JURISPRUDENCE ON IMPLEMENTATION OF ADMINISTRATION  
OF CUSTOMS PAYMENTS BY CUSTOMS AUTHORITIES**

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The analysis of jurisprudence on implementation of administration of customs payments in 2013-2015 for the purpose of identification of the reasons and conditions promoting the wrong application of the legislation by customs authorities is carried out. The most widespread categories of customs and legal disputes in this sphere are allocated.

*Key words:* administration of customs payments, customs authorities, contest of decisions of customs authorities, compulsory collecting customs payments.

**INTERNATIONAL LAW. EUROPEAN LAW****MODERN CONSTITUTIONAL MODELS OF INTERNATIONAL LAW**

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The clash of States' positions on key issues of international law makes it relevant to the study of national legal traditions in its understanding. The article discusses the main features of contemporary constitutional models of international law and international organizations on examples of constitutions of a number of foreign countries (USA, Japan, Italy, France, Germany). It shows the influence of the fundamental principles of contemporary international law on the content of the models, and the reflection in them of new legal forms of integration between States (EU law).

*Key words:* constitutional model of International law, international community, interaction between national and International law, the prohibition of the use of force in international relations, international organizations, European union.

**LEGAL ASPECTS OF EUROPEAN UNION' FINANCING  
 OF THE RUSSIA - EU "PARTNERSHIP FOR MODERNIZATION" INITIATIVE**

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The article deals with some international legal issues of cooperation between the Russian Federation and the European Union in the framework of the "Partnership for Modernization" aimed at the modernization of the Russian economy. There are public and private financial institutions involved in the Russian- European partnership, but their international cooperation is largely determined by the priorities of European policy towards Russia.

*Key words:* partnership for modernization, financing, investment climate, bilateral trade, technical regulations and standards, intellectual property rights, development of transport, fight against corruption.

**THE ROLE OF UNCITRAL IN THE FORMATION OF SOURCES  
 OF PRIVATE INTERNATIONAL LAW**

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This article considers the peculiarities of the creation of sources of private international law, in particular development within UNCITRAL of international regulatory and model legal acts, and review of judicial and arbitration practice on issues related to the application of such sources.

*Key words:* UNCITRAL, the international sale of goods, international commercial arbitration, case law.

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**ECONOMY. ECONOMIC SCIENCE**

**ECONOMYC THEORY**

**STATE OWNERSHIP AS A FACTOR  
OF MACROECONOMIC REGULATION**

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The article considers the problem of economic realization of state-owned assets of state companies of the real sector of the economy. It is noted there is considerable untapped potential for increasing the efficiency of management of state-owned companies associated with the underestimation of use in the management of the specific nature of economic and social relations in the system of relations between state ownership. The proposed new form of economic realization of property the states on the assets of state-owned companies of the real sector, the essence of which - on-the division of the state, as owner, the right of correction areas and activities of state-owned companies to enhance their full involvement in addressing reproductive problems. The legality of the use of this form is substantiated organic communication relationship becoming public property with the objective necessity of realization of public interests.

*Key words:* state, public ownership, public interest, market regulators, public enterprises, public administration, social reproduction.

**ECONOMIC ENTITIES' INTERESTS AS AN INSTITUTIONAL BASIS  
FOR INTERNATIONAL TRADE**

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The authors suggest adding the Heckscher-Ohlin theory with the institutional aspect. The export structure is - as proved in the article - dependent not only on the relative abundance of production factors, but also on the institutional system of production factors owners (economic entities) interaction.

*Key words:* international trade, international trade theories, production factors, interest, economic interest, institutional interest, institutional system, globalization, scientific and technological advance.

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**ECONOMY AND MANAGEMENT****TO THE QUESTION OF ORGANIZATION OF CORPORATE MANAGEMENT  
IN THE CONDITIONS OF FORMATION INNOVATIVE ECONOMY**

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This article discusses questions related to author's vision of the problem of competitiveness of Russia and the formation of an innovative economy can be solved only if the activities improve its management bodies and their adaptation to the system of market changes. According to the authors, persistent crisis processes taking place in the international economic environment, largely due to the formation of the new challenges adequately changed realities such as economic relations, ie, corporate relations, formed in the global economy.

*Key words:* corporations, corporate management, innovative economy.

**MANAGING OF A CORPORATE CONTROL AUTHORITIES SYSTEM  
BY CREATING INFORMATION REDUNDANCY**

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Designed an optimization model of a two-level system of corporate control authorities with asymmetric information. Defined the size of losses of shareholders and additional economic effect of corporate control authorities in a situation with asymmetric information in the system. Justified the economic feasibility of the information redundancy in the system of corporate control authorities in order to obtain complete information about violations in a corporation.

*Key words:* control over financial and economic activity, stimulating, shareholders, Board of Directors (Supervisory Board), Audit Commission, auditor, authority of corporate control.

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**NACIONALNA SYSTEM INNOVATIVE SWEDEN:  
A STRATEGY FOR THE DEVELOPMENT AND SUCCESS FACTORS**

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The article analyzes the experience of innovative development of Sweden. Special attention is paid to the role of the state in the development of innovative processes. Practice of national innovation systems Sweden shows that the efficiency of innovation activity in the country depends on the degree of interaction between science and business. I must admit that effective innovation policy Sweden is based on early large-scale state investments in science and education, as well as on the creation of necessary conditions for the rapid commercialization of scientific developments.

*Key words:* national innovation system, government regulation, innovation, Sweden.

**ANALYSIS OF FOREIGN ECONOMIC ACTIVITY  
OF THE AMUR REGION IN OVERCOMING THE ECONOMIC CRISIS**

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The work considers factors that contribute to the development of entrepreneurship, including the development of international relations. Presents the dynamics of trade in the Amur region, the commodity structure of exports and imports and the conclusion is made about the adverse trends of the raw orientation of export operations.

*Key words:* trade and economic relations, foreign trade turnover, export, import, commodity structure.

**THE MECHANISM OF REALIZATION OF SOCIAL POLICY  
IN THE REPUBLIC OF BASHKORTOSTAN\***

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The analysis of social policy of the Republic of Bashkortostan on the basis of normative and legislative acts. The feasibility and the appropriateness of their application to assess the social conditions of human life.

*Key words:* quality of life, social policy, social efficiency, decent work.

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**ABOUT THE PROSPECTS OF SUSTAINABLE DEVELOPMENT  
OF THE TERRITORY OF THE RAW SPECIALIZATION  
(FOR EXAMPLE, KRASNOYARSK REGION)**

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The article considers the current state of transition-site raw material specialization (Krasnoyarsk territory) on the path of sustainable development, provides an analysis of the perspectives of socio-economic development of these territories to the principles of sustainable development concept and provides conclusions and recommendations for the intensification of this process.

*Key words:* sustainable development, the territory of the raw-material orientation, socio-economic development, natural resources, natural capital, public administration.

**FEATURES OF FORMATION AND FUNCTIONING  
OF THE AGRICULTURAL MARKET IN THE REGION**

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The mechanism of formation and functioning of the consumer market in the region, it is the interaction objectively existing factors, phenomena and processes in the production, distribution, exchange and consumption of goods and services, established in the territory. Operation of the regional consumer market is defined relationships: between the needs of the region's population and production; supply and demand in the regional market for goods and services; income differentiation and nature of consumption; level and structure of consumption; current consumption and accumulation; socialized and individualized forms of consumption, etc.

*Key words:* demand, supply, market, regional food market, infrastructure, wholesale food market, vosproizvodstvovdstvenny process.

**THE METHODOLOGY OF LIFE CYCLE MANAGEMENT INNOVATION  
AT THE CONSTRUCTION COMPANY**

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The authors define the concept of management of innovation project, it is identified with the life cycle management of innovation. Are two points of view from which it is possible to consider the management



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of innovation projects. Describes the methods for life-cycle management of innovation and provides a concrete example of the application of this methodology in practice: the goals put before the project, the task on which he was laid out and the results achieved.

*Key words:* fundamentals lifecycle management innovation, system functions, the process of managerial decision-making, organizational system, the engineering center.

### **THE MECHANISM OF FINANCING THE RENOVATION OF THE HOUSING STOCK**

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This article deals with the methods of the renovation of the housing stock of the Russian Federation.

*Key words:* mechanism, renovation, housing stock, mortgage.