

# **ECONOMIC AND LAW ISSUES. 2015. № 5**

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

### **THEORY AND HISTORY OF STATE AND LAW; HISTORY OF DOCTRINES ABOUT LAW AND STATE**

#### **ON THE ISSUE OF DENIAL OF INFORMATION WOULD IMPAIR THE HONOR AND DIGNITY OF A CITIZEN**

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The Russian Constitution states that the dignity of the person protected by the state. Nothing can be a basis for its derogation. Everyone has the right to defend his honor and reputation (Art. 21, 23). Special general rule on protection of honor, dignity and business reputation in the fixed hours 1 tbsp. 152 of the Civil Code. According to para. 1 art. 152 of the Civil Code, a citizen has the right to demand refutation of belittling his honor and dignity, if disseminated such statements does not prove that it is true.

*Key words:* honor, dignity, moral harm, denial, defense.

#### **FEATURES OF THE PRINCIPLE OF FREEDOM OF CONTRACT IN CONDITIONS OF MODERNITY**

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Article is devoted to the basic features of freedom of contract and its significance for the civil and business law. In this paper we define the concept of liberty and freedom of contract. The main provisions relating to the principle of freedom of contract and its limitations.

*Key words:* the contract, the business contract, contractual freedom, the principle of freedom of contract, the principle of freedom of contract regulation.

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**FINANCIAL LAW; TAX LAW; FISCAL LAW****SYSTEM OF MOTIVATION OF THE PUBLIC CIVIL SERVANTS OF THE SUBJECT  
OF THE RUSSIAN FEDERATION: PRACTICE OF REGIONS AND PROSPECT  
OF MODERNIZATION**

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In this article specifics of system of motivation of the public civil servants of subjects of the Russian Federation and respectively a role of material stimulation in it, prospects of modernization of this system are considered. Answers to questions are submitted: 1) Whether “Is the monetary contents the only incentive in modern system of motivation of office activity of the public civil servants?”, 2) whether “The public civil servants in Russia treat category of the population with the income allowing to compensate labor costs of employees?”.

*Key words:* material stimulation of the state civil servants of subjects of the Russian Federation, system of motivation of the public civil servants of subjects of the Russian Federation.

**ON THE ORGANIZATION OF TEACHING INVESTMENT  
AND LEGAL DISCIPLINES: EXPERIENCE AND DIRECTIONS OF PERFECTION**

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We consider the organizational, educational problems of teaching investment and legal disciplines on the basis of practical experience of the implementation of the master’s program “Lawyer in the banking and investment sectors”. The article examines the problematic aspects of the teaching of legal disciplines, as well as proposals aimed at improving the educational process in the magistracy in direction “Jurisprudence”.

*Key words:* magistracy, law, investment and legal disciplines, competence, educational issues, portfolio, independent work.

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**TAX CONTROL IN THE FORM OF TAX MONITORING - AS THE ELEMENT  
OF THE ORGANIZATIONAL LEGAL MECHANISM OF THE STATE ADMINISTRATION  
IN THE FIELD OF TAXES AND FEES**

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Tax monitoring - one of forms of tax control which is exercised in the form of electronic information exchange and is applied along with cameral and exit checks. The essence of an innovation consists in ensuring close interaction of business and tax administration in real time for achievement of mutually advantageous results. Thus advantages of use of tax monitoring to FNS of Russia, according to authors, consist, first of all, in opportunity more quickly, more providently and it is respectively better to control observance of the tax law, correctness of calculation and timeliness of payment of taxes and fees, i.e. activity of FNS of Russia has to have prudential character. Prudential control - preliminary, "early" will allow to register quickly potential opportunities of complications and problems in activity of taxpayers and in real time to make the relevant amendments for their elimination.

*Key words:* tax monitoring, organizational legal mechanism, prudential control, state administration.

**INTERNATIONAL LAW. EUROPEAN LAW**

**TO THE QUESTION ABOUT THE JURY SYSTEM IN THE USA**

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The article deals with the historical and modern problem aspects of activity of institute of a jury in the USA.

*Key words:* the U.S. Supreme Court, legal adviser, defendant's counsel, court, the judge, court equal, trial jury, the defender, the lawyer, the defendant.

**AN OBLIGATION ERGA OMNES OBLIGATIONS  
IN INTERNATIONAL ENVIRONMENTAL LAW**

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The article is devoted to the analysis of Erga Omnes obligations in international environmental law on the decisions of the International court of justice and the doctrine of international law.

*Key words:* international environmental law, obligations Erga Omnes, jus cogens, the doctrine of international law, the international Court of justice.

**CUSTOMS EXAMINATION IN THE FRAMEWORK  
OF THE CUSTOMS CODE OF THE CUSTOMS UNION**

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The article gives a retrospective analysis of customs examination. It analyzes the main regulations related to customs examination. The basic provisions on customs examination in the framework of the Customs Union.

*Key words:* customs examination, customs, forms of customs control, the history of the customs examination, the problems of legal regulation of customs examination.

**ECONOMY. ECONOMIC SCIENCE****ECONOMIC THEORY****GROUPING OF PROPERTY AND ACCOUNTS ON PHASES  
OF THE CIRCULATION OF CAPITAL: A MODERN VIEW  
AND ARCHAISMS**

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In this article on the base of the modern model of the circulation of capital the groupings of the property and accounts on the sign of the phase of the circulation of capital are formed, the necessity of revision of the traditional groupings of enterprise property on placement, accounts on economical content and accounts in the current chart of accounts is substantiated.

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*Key words:* chart of accounts, classification of assets and liabilities, grouping of the property on the phases of the circulation of capital, grouping of the accounts on phases of the circulation of capital, grouping of actives on placement, grouping of accounts on economic content.

**THE RESOLUTION OF THE CONTRADICTION  
OF INADEQUATE SPECIFICATION OF PROPERTY RIGHTS AS A FACTOR  
OF INCREASING OF EFFICIENCY OF FINANCIAL RESOURCES REPRODUCTION**

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The article considers one of the aspects of the reproduction of financial resources, associated with the resolution of contradiction of inadequate specification of property rights, which is the driving force of its circuit. In the context of the author's concept of self-development of financial resources, the analysis of economic interests of subjects of economic activities in order to identify conditions, that have a decisive influence on the effectiveness of the test process.

*Key words:* economic interests, financial resources, reproduction, efficiency, specification of property rights, institutions, institutional traps.

**THE CRISIS AS A FORM  
OF RESOLUTION STRUCTURAL IMBALANCES**

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The article discusses the main characteristics and patterns of stages of the crisis as the most dynamic and turbulent period of cyclical development of the economy. Substantiates the positive role of crisis resolution structural contradictions and imbalances, opening new possibilities in the process of formation of innovative model of the economy. The analysis of structural changes of the Russian economy into the most dynamic periods of its development, substantiates the conclusion and recommendations for state regulation of structural proportions.

*Key words:* cyclic dynamics, structural imbalances, structural crises, equilibrium, cyclic mechanism, gross value added, an indicator of the direction of structural changes.

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**INSTITUTIONS BUSINESS ACTIVITY AS DETERMINANTS  
OF TRANSFORMATIONAL SOCIO-ECONOMIC SYSTEM**

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The article discusses the relationship of the business activity institutions with socio-economic systems changes.

It is assumed that in modern instability and uncertainty transitive conditions, they must become the basis of growth and development socio-economic strategies.

*Key words:* business and economic activity, system transformation, economic cycles, institutions, business activity, entrepreneurship, transit and transformation system management.

**THE PHENOMENON OF POVERTY  
OF THE WORKING POPULATION IN THE RUSSIAN SOCIETY**

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This article analyzes changes in the quality of life of the population in Russia as a result of the current economic conditions. Describes the basic sources of incomes of the population.

*Key words:* economic poverty of the working-age population, wealth, poverty, standard of living, quality of work life, salary.

**JEAN BODIN (1530-1596) AS A REPRESENTATIVE  
OF EARLY MERCANTILISM**

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True wealth is a person...  
*J. Boden*

Examines the economic and social ideas of one of the universal minds of the Renaissance - J. Boden.

*Key words:* mercantilism, humanitarianism, protectionism, the natural order, the slave trade, theory of money, the “price revolution”, a natural religion.

**INFORMATION AND ECONOMIC SECURITY**

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In article safety as ekzistentsionalny need of the person is considered. Information and economic security, and also factors of threat of information and economic security are considered.

*Key words:* safety, ekzistentsionalny requirements, threat, information and economic security, safety of the personality.

### THE GENDER DIMENSION OF HR PROCESSES

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The article deals with the essence and problems of gender policy of the state. Priority gender policy is the elimination of discrimination against women and end up creating a balance of gender relations in society. The authors analyzed the gender priorities of the state in the distribution of jobs. Based on the data of the Federal State Statistics Service considered social differentiation between men and women in the structure of the Russian economy. Peculiarities the employment in the civil service in terms of gender mainstreaming. Defined by the prevalence of women among public officials over the number of men. Has the problem of full representation of women in the civil service, especially in the higher echelons of its becoming increasingly important.

*Key words:* civil service, gender perspective, gender policy of the state.

### THE IMPACT OF MIGRATION ON EPIDEMIOLOGICAL SAFETY

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National security is a hot topic of our time in all its aspects. The theme of the research is demographers demographic and epidemiological security of the country, which are closely related to the issue of migration and health. The health status of migrants to date little studied, especially in Russia. Difficulties for the study of this topic arise primarily because of the lack of statistical data on the state level, as well as due to the need to compare the data about the health of the citizens, as the host country and the

donor country. We analyzed data on life expectancy, infant mortality, mortality (infant, male and female), as well as the incidence of socially dangerous infectious diseases (tuberculosis and HIV / AIDS) in the major donor countries and in Russia.

*Key words:* security, migration, health, population, health workers, life expectancy, infant mortality, communicable diseases.

**ECONOMICS AND MANAGEMENT OF NATIONAL ECONOMY**  
**ON THE HARMONIZATION OF PENSION LEGISLATION STATES-MEMBERS**  
**OF EURASEC**

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The article analyzes the existing pension systems in the member States of the EurAsEC in order for the rapprochement of conditions of pensioning member States of the EurAsEC, the protection of pension rights of workers, regardless of their country of purchase.

*Key words:* harmonization of pension legislation, member States of the EurAsEC, goals and objectives of harmonizing legislation in the field of pension provision in the EurAsEC countries.

**RISK ANALYSIS OF CREDITING OF LARGE INFRASTRUCTURE PROJECTS**

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In article problems of financing and bank crediting of large infrastructure projects are considered. Authors analyze set of the risks of the credit organization connected with use of the mortgage mechanism of crediting when actually infrastructure object acts as object of pledge.

*Key words:* risk, crediting, banks, infrastructure projects.

**MANAGEMENT OF INDUSTRIAL ENTERPRISES DURING REORGANIZATION**



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This article provides an overview of transactions retrospectively enterprise restructuring carried out in the Russian Federation in 2008-2013 years, Identified the importance and feasibility of scientific research in the field of reorganization of enterprises. Presents the background to the reorganization of the activities of small businesses. A hypothesis about the advisability of referring to forms of reorganization of some of the methods of financial - economic activity of suspected reorganization.

*Key words:* association, acquisitions, industrial enterprises, reorganization, merger, strategy, management of activities.

### **THE COMPLIANCE FUNCTION IN MANAGING THE RISKS OF INDUSTRIAL ENTERPRISE**

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The article discusses the risks of industrial activities from the position of the compliance function, which can be characterized as a specific management function, which contains the basic elements of managerial influence (planning, organization, management and control).

*Key words:* risks, industry, compliance function, regulators, compliance control.

### **MANAGEMENT OF THE COMPANY IN TERMS OF INTERNATIONAL ECONOMIC RESTRICTIONS**

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This paper presents an assessment of current economic situation in the Russian economy, the basic problems of development activities of firms, are the main ways to maintain the effectiveness of the organizations in a crisis caused by the Ukrainian conflict and international trade restrictions.

*Key words:* further environment company, political - economic measures main problems of the enterprise, the business sector, activity management firm, sanctions, Embargoes.

### **TRENDS IN THE TRANSFORMATION OF THE RAILWAY INDUSTRY:**

**AN ANALYSIS OF WORLD EXPERIENCE**

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The article focuses on the transformation of railway transport system in the global economic system. The EU railway structures transformation in the direction of vertical integration and the inclusion of open access is analysed, in terms of regulation, ownership structure and the level of competition in the industry.

*Key words:* railway complex, the transformation of the railway sector EC, vertical separation, transportation system EC.

**MODERNIZATION OF THE ENTERPRISES  
OFFERROUS METALLURGY (WORLD EXPERIENCE)**

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The article provides an overview of international experience upgrading the steel industry in the United States, China, India and Japan. The article describes the features of the modernization of each country, taking into consideration the domestic demand for steel products, ability to attract industry to national and foreign investment, the availability of government support measures.

*Key words:* modernization of the industry, government support, the introduction of innovative technologies.

**STATE REGULATION OF AGRICULTURE  
IN THE CONDITIONS OF CRISIS**

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In the article we investigate the problem of government regulation of agriculture in the current crisis. The analysis of existing models and mechanisms of State intervention in the economy, agriculture. Identify their strengths and weaknesses. Suggest ways to improve State regulation of agriculture.

*Key words:* government regulation, crisis, anti-crisis programs, agriculture, sanctions, economic measures, food security.

**INNOVATIVE POTENTIAL OF COMPETENCE CLUSTERS**

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**IN THE KNOWLEDGE ECONOMY**

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We argue that the innovative component of clusters is due to their capability to accumulate a considerable number of different competences. A new view of the notion - competence cluster is proposed.

*Key words:* innovations, competence center, competence cluster

**ANALYSIS OF RUSSIAN PRACTICE IN THE FIELD  
OF CORPORATE SOCIAL RESPONSIBILITY**

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The article describes the experience of Russian companies in the field of social responsibility. The characteristic of the current model of corporate social responsibility in Russia, highlighted its key features.

*Key words:* stakeholders, corporate social responsibility, models of corporate social responsibility.

**DESIGNING OF PROCESS OF PHYSICAL EDUCATION  
OF FOREIGN STUDENTS AS A PEDAGOGICAL PHENOMENON**

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The problem of designing of process of physical education of foreign students is required to develop coherent actions in classroom and extracurricular activities of students, directed on formation of motivation for a healthy lifestyle by means of physical culture. The aim of designing is a step-by-step planning of pedagogical activities on the competitiveness attitude.

*Key words:* physical education, engineering, foreign students.

**ATTRACTING INVESTMENT IN HEALTH CARE: THE LEGAL ASPECT**

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The possibility of activation of mechanism of public-private partnerships by improving the legal relations. Particular attention is paid to concession relations as a functioning form of PPP.

*Key words:* public-private partnership mechanism, the right concessions.

**ANALYSIS OF HOSPITALIZED PATIENTS AS A TOOL**

**TO IMPROVE THE PERFORMANCE OF HOSPITALS, AMBULANCE**

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The article provides analysis the performance of hospitalization of patients in the hospital emergency room and their impact on the effectiveness of the hospital.

*Key words:* ambulance, hospitalization, hospitalization rates, length of stay on the bed.

**MEDICO-SOCIAL CHARACTERISTICS OF PATIENTS, NEEDS-BASED ON CHEMOTHERAPEUTIC ASSISTANCE**

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Presents data on gender, age and clinical features of the patients treated with the use of chemotherapeutic drugs (diagnosis, stage of disease, the general condition of the patient and characteristics of therapy depending on these factors).

*Key words:* characteristics of patients, chemotherapy.

**MATERNAL MORTALITY, AS THE INTEGRAL INDICATOR OF THE HEALTH OF WOMEN.**

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The article discusses the factors affecting the quality of life of women. Special attention is paid to women's health, namely maternal mortality. Considered analysis of maternal mortality in the Russian Federation.

*Key words:* the quality of women's lives, women's health, a questionnaire assessing quality of life of women, maternal mortality.