

## **ECONOMIC AND LAW ISSUES. 2013. № 5**

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

#### **STATE AND LAW: THEORY AND HISTORY**

##### **RESPONSIBILITY FOR VIOLATION OF THE BUDGETARY LEGISLATION OF THE RUSSIAN FEDERATION: ESTABLISHMENT AND APPLICATION PROBLEMS**

© 2013 Fatyanov Alexey

Doctor of Jurisprudence, Professor

© 2013 Solyannikova Svetlana

PhD in Economics, Associate Professor

Financial Academy under the Government of the Russian Federation, Moscow

E-mail: 561712@mail.ru, solsp@mail.ru

The article is devoted to analyzing the assessment of standards of chapter 28 of the Budgetary code of the Russian Federation, regulating questions of establishment of responsibility for violation of the budgetary legislation is given, use problems within the budgetary process of the measures applied to violators of the Russian budgetary legislation. Methodological approaches to specification of the contents and the mechanism of application of measures of legal influence for violation of the budgetary legislation of the Russian Federation are defined in the article.

*Key words:* budgetary legislation, legal sanctions, structure of violations of the budgetary legislation, measure of legal influence, procedure of the budgetary process, prevention.

##### **REFORMATION OF THE CONTROL SYSTEM OF THE MARKET FOR SECURITIES IN THE RUSSIAN FEDERATION**

© 2013 Nikitina Nina

Samara State University of Economics

E-mail: nikitinanina@bk.ru

The history of financial regulation in our country from 1990 up to the present is covered in this article. When and for what purpose appeared the idea of creation of financial megaregulator in Russia, it's pros and cons for Russian economy. In this article you can have a short digression into the experience in the financial regulation in other countries.

*Key words:* financial market, financial megaregulator, securities market, regulation and supervision.

### **ACTIVITY OF ATTORNEY FOR THE GUARANTEE OF LEGALITY IN THE PERIOD OF LOCAL ELECTIONS**

© 2013 Baydina Olga

Academy of General Prosecutor of the Russian Federation, Moscow

E-mail: obaydina@ravmbler.ru

Is given the author's determination of the concept of the activity of attorney for the guarantee of legality with conducting of local elections, the classification of the forms of the realization of this activity is proposed, and are also developed proposals for the improvement of the organizational-lawful measures, which regulate the activity of attorney for the guarantee of legality with conducting of municipal elections.

*Key words:* municipal selections, the activity of attorney, legality, the observance of the selective rights of citizens, prosecutor supervision.

### **TO A QUESTION ABOUT THE ADMINISTRATIVE-LEGAL RESPONSIBILITY FOR THE DISTURBANCE OF THE SELECTIVE RIGHTS**

© 2013 Anichkin Ivan

Saratov State Social and Economic University

E-mail: anichkin\_im@mail.ru

The article deals with the definition of the administrative responsibility for violation of the electoral rights. The modern scientific approaches to its essence are considered, the peculiarities of this type of legal liability are identified.

*Key words:* administrative liability, breach of voting rights, the legal responsibility.

## **ECONOMIC LAW**

### **RELATIONSHIP OF THE INSTITUTE OF TAX ACTIVITY WITH THE STOCK-TAKING AND ECONOMIC RIGHT OF THE RUSSIAN FEDERATION**

© 2013 Ashmarina Elena

Doctor of Jurisprudence, Professor

Moscow State Legal University named after O.E. Kutafin

E-mail: Elena-Mikhaylovna@yandex.ru

The article describes the fragments of legal procedure for calculating the tax base for such taxes as corporate income tax, value added tax, the tax on personal income, property tax in order to identify the characteristics of its technical and legal nature. The proposed conclusion defines that such technical legal rules both relate to such legal entities of economic law, as an institution of the tax law and accounting (financial accounting).

*Key words:* tax right, the order of the calculation of tax, technical-legal standards, the institute of tax activity, stock-taking right, economic right.

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**THE AGREEMENT ON THE DEFINITION OF THE ORDER OF POSSESSION AND USE  
OF A THING IN COMMON OWNERSHIP IN THE ASPECT OF THE MODERNIZATION  
OF THE LEGAL REGULATION**

© 2013 Filatova Uliana

PhD of Jurisprudence Sciences, Associate Professor  
Russian Academy of Justice, Irkutsk  
E-mail: filatova.uljana82@gmail.com

This article analyzes the theoretical and practical issues of application of Art. 247 of the Civil Code, as well as the development of the rules of this article embodied in Art. Project 277 of the Civil Code. The author substantiates the position that the state registration of the contract terms has more significance for the co-owners and for the future purchaser of shares. However, the mechanism of creation of conditions of the contract requires rethinking, because the principle of unanimity which is the basis of decision-making between the co-owners, in most cases, does not allow co-owners to set the order to use the property yourself without the help of the court. It is proposed to extend to such agreements mandatory procedure for their conclusion that the parties will record the conditions of the order to use a common thing established by the court and distribute them to third parties acquiring a stake in the future.

*Key words:* Co-ownership, misuse of a right, share, termination of ownership.

**CRIMINAL-LAWFUL GUARANTEE OF PROTECTION  
OF THE INTELLECTUAL PROPERTY**

© 2013 Titov Sergey

National Research Institute of the Ministry of Interior of the Russian Federation, Moscow  
E-mail: s.n.titov@yandex.ru

The article deals with the problems of criminal law to ensure the protection of intellectual property. The author substantiates suggestions regarding the content and structure of the legal regulation of responsibility for criminal infringements to intellectual activity and means of individualization.

*Key words:* intellectual property, sole right, criminal liability.

**LEGAL PROCESS**

**THE CONDUCT OF THE AUDIT OF THE PROSECUTOR IN THE STAGE OF EXCITATION  
OF CRIMINAL CASE**

© 2013 Levichev Daniel

Samara State University of Economics  
E-mail: lvls@mail.ru

In the article on the basis of the analysis of the current legislation and law enforcement practice the questions of the reasons, grounds and procedures for the validation of the Prosecutor in the stage of excitation of criminal case are considered.

*Key words:* criminal case, the Prosecutor, the procedural verification, fulfillment of the law, legality.

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**TYPES OF LEGAL POSITIONS IN LEGAL PROCESS: GENERAL APPROACHES  
OF CLASSIFICATION**

© 2013 Lukianova Olga

Samara State University of Economics

E-mail: lvls@mail.ru

In this article the general approaches to classification of legal positions in uniform legal process are considered, different types of legal positions are given in article, in particular, the author allocates private, private and public, public legal positions.

*Key words:* types of legal positions, right interpretative, pravorealizatsionny, right educational processes.

**ANALYSIS OF THE DRAFT OF THE CODE OF ADMINISTRATIVE LEGAL PROCEEDINGS  
OF THE RUSSIAN FEDERATION**

© 2013 Smirnikov Alexey

Saratov State Social and Economic University

E-mail: smirnikov1964@mail.ru

Article is devoted to the analysis of the project of the Code of administrative legal proceedings of the Russian Federation approved in the first reading. Its intrinsic characteristics are considered, innovations which distinguish the analyzed project from the existing Code of civil procedure are allocated. Offers on need of addition of the project are stated.

*Key words:* administrative legal proceedings, courts of law, appeal, judicial penalty.

**CHECK THE PROSECUTOR, THE AUTHORITY RESPONSIBLE  
THE INVESTIGATIVE ACTIVITY**

© 2013 Levichev Daniel

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PhD of Jurisprudence Sciences, Associate Professor

Samara State University of Economics

E-mail: lvls@mail.ru

In the article on the basis of the analysis of the current legislation and law enforcement practice the issues of reasons, basis and the order of the Prosecutor inspections, the authority carries out investigative activities, are considered.

*Key words:* operatively-search activity, the Prosecutor, the procedural verification, fulfillment of the law, legality.

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## **ECONOMY. ECONOMIC SCIENCE**

### **ECONOMICAL POLICY**

#### **POST-INDUSTRIAL IMPERATIVES OF MODERNIZATION OF ENERGY COMPANIES TAKING INTO ACCOUNT OF THE MODERN CORPORATE STRUCTURE UES RUSSIA**

© 2013 Mistyukova Nadejda

Doctor of Economics

Financial Settlement Center

E-mail: instityteb@mail.ru

The article is devoted to the problems of modernization of energy companies with the modern corporate structure UES of Russia. Main attention author focuses on the need to implement smart grid technologies in a vertically integrated electricity holdings.

*Key words:* modernization, electricity holdings, innovation, smart grid.

#### **FORMS AND THE METHODS OF GUARANTEEING THE STATE-PRIVATE PARTNERSHIP IN THE AGRICULTURE**

© 2013 Ivanova Zlata

Humanitarian- Economic and Technological Institute, Moscow

E-mail: zlata64@mail.ru

The forms and methods of providing public-private partnership in agriculture.

*Key words:* public-private partnerships, agriculture, leases, dairy cattle farms, milk production, investors, business.

### **ECONOMY AND MANAGEMENT**

#### **INNOVATIVE MECHANISM OF OPTIMIZATION OF MANAGEMENT PROCESSES IN THE REGIONAL SOCIO-ECONOMIC SYSTEMS**

© 2013 Tokbaev Ayub

North-Caucasian Institute of Advanced Training for Employees of Internal Affairs Bodies Branch  
of Krasnodar University of the Ministry of Internal Affairs of Russia

E-mail: salima@list.ru

It is proposed the components of the innovation mechanism of the optimization of control processes on the mesolevel, which are located in the interrelation with the elements of the estimation of the construction of the model of the functioning of innovation- investment potential and with the social and economic dynamics of the regional development, which make it possible to accept effective solution about the selection of optimum innovation policy.

*Key words:* region, innovation, the innovation mechanism of control, the social and economic systems.

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**DEVELOPMENT OF THE CONCEPTUAL DIRECTIONS OF STRATEGY  
OF THE DEVELOPMENT OF ECONOMIC SUBJECTS ON THE CONSOLIDATED BASIS  
OF ALL PARTICIPANTS IN THE AGRARIAN MARKET**

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North-Caucasian Institute of Advanced Training for Employees of Internal Affairs Bodies Branch  
of Krasnodar University of the Ministry of Internal Affairs of Russia

E-mail: salima@list.ru

The resource concept of economic subjects agroindustrial complex is considered as the information system, which characterizes the totality of resources, i.e., the possibilities of agricultural organizations and enterprises of processing to determine and to achieve lasting strategic goals. The selection of purposes and the selection of the means of their reaching, the selection of partners and the selection of resources, the selection of the rules of behavior on the agroindustrial market are represented as the components of the strategic concept of the development of branch.

*Key words:* market, the agroindustrial complex, strategy, economic subjects.

**CORRELATION BETWEEN THE STRATEGIC GOALS ACHIEVEMENT AND MEETING  
THE NEEDS OF THE MAIN STAKEHOLDERS GROUPS**

© 2013 Pazuha Svetlana

Institute of Economy of Ural Branch of Russian Academy of Sciences

E-mail: svetlana\_pazukha@mail.ru

This paper contains analysis of empirical data for the companies from the rating Global Fortune 500 for the year 2011. We have found the correlations between the achievement of the main goals of the companies and meeting of the needs of the main stakeholders groups included in their performance management models.

*Key words:* stakeholders, strategic goals of the companies, investments, return of equity, return of assets, value of assets, human capital, and personnel growth.

**HOUSING MORTGAGE: THE LAWFUL AND ECONOMIC BASES**

© 2013 Solodilova Mariya

Samara State University of Economics

E-mail: stella-de-mar@mail.ru

The lawful and economic bases of mortgage as the tool of reduction in the credit risks of banking system are revealed; Serious attention is given to a study of the special features of the functioning of the institute of mortgage in Russia.

*Key words:* housing mortgage, the mortgage institution in Russia, peculiarities of legal and economic foundations.

**ANALYSIS OF THE PROCESSES OF PRODUCTION AND SERVICE PROVISION**

© 2013 Filatova Tatiana

PhD of Engineering Sciences, Associate Professor

St.-Petersburg State University of Economics

E-mail: werck@rambler.ru

This article analyzes the processes of production and delivery of services in the field of services based on the process approach. The main and auxiliary business-processes of service activities.

*Key words:* process approach, services, business-process, quality assurance.

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**IMPROVING COOPERATION TIES IN THE GLOBAL NETWORK MODELS  
OF SCIENTIFIC, TECHNICAL AND PRODUCTION ACTIVITIES OF THE RUSSIAN  
PRODUCERS**

© 2013 Kitaev Alexander

Russian State University for the Humanities, Moscow

E-mail.ru: instityeb@mail.ru

The article is devoted to the problems of optimization of cooperative relationships within the global network models of scientific, technical and production activities Russian producers.

*Key words:* management, innovation, industry, information systems, clusters.

**SCIENTIFIC AND METHODOLOGICAL APPROACH TO DEVELOPMENT OF BUDGET NORMS  
AND QUOTATIONS ON OPERATION OF THE CARS APPLIED AT DREDGING WORKS  
IN SEA CONDITIONS**

© 2013 Matveev Nikita

State University of Management, Moscow

E-mail: matveev@cniieus.ru

Scientific and methodical approach to development of budget norms and quotations on operation of the cars applied at dredging works in sea conditions is stated

*Key words:* budget norms, quotations, operation of cars, bottom deeping works.

**FINANCE, MONEY CIRCULATION AND CREDIT**

**THE STRATEGIC BUDGET PLANNING IN THE CONTEXT OF BUDGET REFORMS**

© 2013 Ivanova O.

© 2013 Moiseenko M.

Rostov State University of Economic

E-mail: margarita.88@list.ru

The article describes the relevance of financial and budget planning process and the need for coordination with the strategic planning tools.

*Key words:* financial and budgetary planning, program-specific tools, strategic planning, efficiency and effectiveness of budget expenditures.

**CLUSTERING AS INNOVATION FORM AND THE FACTOR OF STRENGTHENING THE  
COMPETITIVENESS OF THE RUSSIAN AGRICULTURAL COMMODITY PRODUCERS**

© 2013 Kuchin Sergey

Moscow State University of Technologies and Control named after K.G. Razumovskiy

E-mail: sergej\_a.kuchin@mail.ru

The article is devoted to justifying the need for the development of clustering as an innovative form of diversification in the agricultural sector of the Russian economy in order to increase its competitiveness.

*Key words:* clustering, diversification.

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**MATHEMATICAL AND INSTRUMENTAL METHODS OF ECONOMICS****MATRIX FORMULA M.D. KARGOPOLOV AS THE TOOL OF THE CALCULATIONS OF THE PRIME COST OF THE BUILDING MATERIALS**

© 2013 Kuladzhi Tamara

PhD of Technical Sciences, Associate Professor  
Northern (Arctic) Federal University named after M.V. Lomonosov, Archangelsk

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Doctor of Technical Sciences, Professor

© 2013 Murtazaev Akraman

Grozny State Petroleum Technological University  
named after academician M.D. Millionshchikov  
E-mail: kuladzhit@list.ru, s.murtazaev@mail.ru

The possibility of applying the matrix formula of the professor of M.D. is shown. Kargopolov in the calculations of the prime cost of the building materials, whose urgency rises in connection with the contemporary approaches to the determination of the cost of construction work with the application of the amalgamated estimate norms and the introduction of the requirements about conducting of public technological and price Audit of major investment projects with the state participation.

*Key words:* the matrix formula of the professor of M.D. Kargopolov, the prime cost of construction production, production, production resources, expenditure.

**WORLD ECONOMY AND INTERNATIONAL ECONOMIC RELATIONS****INTERNATIONAL BUSINESS OF THE RUSSIAN BOND HOUSES**

© 2013 Sokolov Alexey

Financial University with the Government of Russian Federation, Moscow

E-mail: netsly@hotmail.com

In this article considered the reasons for the intervention of Russian investment banks to foreign markets, their geographical presence. We have shown the motives of the banks abroad, the main tasks of branches, representative offices and subsidiaries, too. There is a comparative analysis of Russian foreign investment banks in the retail, medium and large sectors.

*Key words:* investment bank, portfolio investments, subsidiaries, risk diversification, branches, representative offices, mergers and acquisitions.