

LEGAL THOUGHT: HISTORY AND CONTEMPORARITY

V.G. Grafski

CONSTITUTIONALISM AS A SUBJECT OF RESEARCH

The article is devoted to a fundamental theoretical problem, which is connected both with legal theory and constitutional law. The author explores content of terms «constitutionalism», «false constitutionalism», «constitutional state», «political constitution», «rule of law» and their understanding in different countries and in various time periods. The article analyses the role of Russian legal scholars in studying this issue. The author emphasizes the tendency developing in many countries to study the constitutional law in collaboration with such disciplines as administrative and financial law.

LS.U.Danilov

ECONOMIC SCHOOL IN FOREIGN CONSTITUTIONAL DOCTRINE

The article contains the characteristic features of a new approach to constitutional doctrine in countries of West democracies. The author considers the origins of constitutional political economy, analyses the correlation between legal and economic components under such approach. The some research results are presented. The development of constitutional political economy is understood as evidence of cooperation among various scientific fields, legal, economic and political ones.

I.V. Getman-Pavlova

CHARLES DUMOULIN — FOUNDER OF AUTONOMY WILL THEORY IN INTERNATIONAL PRIVATE LAW

The article is devoted to the research of life and work of a well-known French scientist of the XVI century Charles Dumoulin, the founder of the theory of an autonomy of will in the international private law. Dumoulin, as all his predecessors, proceeded from substantive law norms. Innovation of the scientist is an idea about the right of the parties freely to choose an applicable law not only by means of the special agreement, but also according to their silent or even the hypothetical agreement. The scientist managed to spell out his own doctrine of conflict of laws: in contractual relations when conflict of laws occurs the law chosen by the parties prevails.

RUSSIAN LAW: CONDITIONS, PERSPECTIVES, COMMENTARIES

N.I. Solovianenko

LEGAL PROBLEMS OF ACCESS TO INFORMATION ABOUT DISTRIBUTION OF STATE AND MUNICIPAL PURCHASES

The article contains an analysis of problems of access to information about state and municipal orders and purchases. State purchases are financed by the state budget and their legal regulation is necessary which will enable to maintain the principles of competition, transparency and control. Therefore legal norms regulating access to such information play an important role. They permit to reduce the threat of corruption in this sphere.

V.V.Kuleshov

Some Peculiarities of Services Connected with an International Carriage of Cargo

Notion and peculiarities of dividing services into ordinary ones and those connected with an international carriage of cargo. Some peculiarities of forwarding agent's liability. Different approaches to the definition of international carriage.

L.A.Prokudina

FUNCTION OF COURT BODY IN TRIAL

The article is devoted to the optimization of judges' occupancy, their release from technical and organizational functions, which are not part of administration of justice. It is achieved by involving court and judge office officials into administration of justice. Definitions "judicial activity" and "justice" demarcation are considered. The article dwells upon composition and procedural status of court body officials, who work with the judge and are part of judge's office. Foreign experience of using court officials in administration of justice is also examined in the article.

A.S.Shatalov

CONTROL AND RECORDS OF TALKS DURING PRELIMINARY INVESTIGATION: LEGAL BACKGROUND, TACTICAL CONDITION, TECHNOLOGY OF BEHAVIOUR

For ensuring the constitutional right for confidence of phone and other talks there is a special article in the Criminal procedure code covering control and recording of talks during preliminary investigation. It is the only investigation activity admissible only in such criminal matters as felony, and in case of necessary background. This investigation activity is impossible in cases of misdemeanour. Because of this, in every case of controlling and recording talks an investigator must issue a written order to realize this action technically.

The article explains what control and recording talks means, defines their legal foundations and technical conditions.

LAW IN THE MODERN WORLD

U.M.Umashev

THE FREE MOVEMENT OF GOODS IN EUROPEAN UNION: NON-TARIFF BARRIERS

The article is devoted to the problem of removing the quantitative restrictions (QR) on imports and all measures having equivalent effect (MHEE) to quantitative restrictions within the European Community internal market according to art. 28 of the EC Treaty.

The author underlines the decisive role of the European Court of Justice in shaping legal mechanism aimed at stimulating the freedom of goods in the EC. Three leading cases (Case 8/74 Dassonville, case 120/78 Cassis de Dijon , joint cases C-267 & 268/91 Keck et Mithouard) and the practice that followed in this field are thoroughly analyzed thus permitting the author to make a conclusion that the EC tries to find optimal ways of cooperation between the national legislation of member-states and the EC law in order to develop an effective legal instrument for stimulating free movement of goods within the territory of the European Union as a whole.

T.N.Troshkina

THE PRACTICE OF NON-TARIFF BARRIERS IN THE USA: THE DEVELOPMENT OF LEGAL AND ORGANIZATIONAL FOUNDATIONS

The article researches the system of measures for non-tariff regulation of international trade. It compares the contents of the aggregate notion of “non-tariff regulation” defined by various international organizations and national legislations differentiating notions close in their meanings. The author defines and analyses the essence of non-tariff regulation and non-tariff measures used to provide it, through the notion of customs-tariff regulation and identifies the deficiencies of such definitions.

DISCUSSION CLUB

M.S. Arsanukaeva

CUSTOMARY LAW CHECHEN AND INGUSH (XIX — BEGINNING OF XX CENTURIES)

In the XIX century the Russian government collected, systematized and studied the rules of customary law of Caucasian highlanders (adats). Adats, regulated property relations got an official recognition and were applied by mountain verbal (folk), village (aul) and arbitral tribunals. Chechen and Ingush customary law were characterised by the multiplicity of actors, the equality of «their» — members of the indigenous genera (Taipei), the limited capacity of «outsiders», different rules in the mountains and on the plains, low developed of some institutions, low level of legal technology.

SCIENTIFIC EVENTS

PANEL «LAW» OF INTERNATIONAL SCIENTIFIC CONFERENCE HELD IN STATE UNIVERSITY — HIGHER SCHOOL OF ECONOMICS (APRIL 7 — 9, 2009)

An overview of reports presented at panel «Law» of International scientific conference held in State University — Higher School of Economics under Government of Russian Federation, April 7 — 9, 2009, Moscow. The panel included sessions under the titles «Legal stimulus of social activity» and «Efficiency of law as factor of economic development» and the round table «Law and economics»

Round table «Policies Towards Personnel and System of Social Partnership in Times of Global Financial and Economic Crisis»

An overview of reports presented at the round table under the title «Policies towards personnel and system of social partnership in times of global financial and economic crisis» which took place under the auspices of labour law department at law faculty of State University — Higher School of Economics

LAW IN FIGURES

G.A.Stepanova, T.P.Ferapontova, S.A.Safonova

ACTIVITY OF THE CONSTITUTIONAL COURT OF RUSSIAN FEDERATION IN 2008 — 2009

The article presents a statistical analysis of activities of the Constitutional Court of the Russian Federation in the period 2008- early 2009.