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DEFECTIVE ADMINISTRATIVE ACTS COMMITTED ULTRA VIRES (BEYOND THE POWERS)

The violation of competence rules in issuing administrative acts is in itself sufficient ground for judicial or non-judicial review of the acts and it is not necessary to prove that other principles of legality are broken. In this connection defective acts are classified and different violations of competence rules are distinguished as well as violations of procedural requirements to issuing of administrative acts.

Keywords: administrative act, defect, subject-matter, time and territory limits of competence.

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LESSEES' RIGHTS IN CASE OF WITHDRAWING THEIR LAND PLOTS FOR STATE AND MUNICIPAL NEEDS

Lessees' rights in case of withdrawing their land plots for state and municipal needs are examined in terms of both land law and civil law. The problems arising in this connection are discussed. The conclusion is drawn that existing laws violate Lessees' rights when their land plots are withdrawn for state and municipal needs. The author using personal theoretical and practical experience proposes some amendments to current laws.

Keywords: land plots, withdrawal of a land plot, lease of land, land ownership, state and municipal needs, lessee's rights.

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LEGISLATIVE DEFINITION OF JUSTIFICATION OF HARMFUL ACT CAUSED BY NECESSITY

The article deals with Criminal Code provisions concerning harmful acts caused by necessity. The author examines the reasons of justifiable wrong-doing and proposes a reviewed article concerning this matter to the Russian Criminal Code. The author believes it will help to apply and enforce the necessity rule more effectively.

Keywords: Criminal Code regulation, absolute necessity, defense, lawful behavior, justifiable wrong-doing, classification of act.

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MAINTENANCE OF SMALL AND MEDIUM-SIZED BUSINESSES IN SPAIN: LEGAL ASPECTS

The article is concerned with legal practices in encouraging business in Spain which can be borrowed in part by Russian legislature. The author concentrates on support programs for entrepreneurship issued by executive bodies, credit schemes for small and medium-sized businesses as well as procedures and practices carried out by the organs empowered to maintain business.

Keywords: small and medium-sized businesses, entrepreneurship, credits, Spain.

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REVISITED CONCEPT OF ORDER PLACING LAW

The article deals with few points concerning concept of order placing law. It considers issues, connected with state (municipal) requirements, budgetary institutions requirements, orders, orders funding sources, ordering party, contracts. It draws conclusion, that distinct concept of legislative regulation in this sphere doesn't exist.

Keywords: order placing, public requirements, State and municipal institutions.

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CONFLICTS IN LEGISLATION AS A PROBLEM OF CLASSIFYING PRECIOUS METALS TRAFFICKING

The article deals with urgent problems of enforcing laws on precious metals and their effect on combating crimes in this sphere. The author points out that amendments to the existing laws are necessary.

Keywords: precious metals, refining, precious metals production, licensing body.

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COUNTERACTIONS IN PRELIMINARY INVESTIGATION OF TERRORIST CRIMINAL CASES

Illegal activities involving counteractions of organized criminal groups against the investigation of terrorist criminal cases are becoming more and more sophisticated in Russia. The forms and methods of counteractions of this kind are described in the article as well as the crime rate among young people. Examples from criminal cases are given. According to the author there should be established permanent control over this type of investigations which would prevent unlawful counteractions aimed at destroying evidence and impeding investigators' work.

Keywords: organized criminal groups, gangs, conspiracy, armed criminal groups.

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COMPARATIVE ASPECTS OF MERGES AND ACQUISITIONS OF COMPANIES IN LEGAL TERMS

Nowadays legal writers use a lot of conflicting interpretations of such terms as "merger" and "acquisition" and make reference to foreign experience and publications. The lack of the definitions in Russian laws and controversial court decisions result in misinterpretation and arbitrary application of legal rules. The authors of the article single out the features attributed to the concepts of merger and acquisition. The reasons why legal entities turn to M&A transactions are brought into prominence. The distinction is drawn between "friendly" and "unfriendly" as referred to mergers and acquisitions.

Keywords: merger and acquisition, distinctions between mergers and acquisitions, merger agreement, reasons of shareholders.

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DETERMINATION OF CLASSIFICATION MISTAKES IN CRIMINAL LAW: THE MOST IMPORTANT PROBLEMS

The author raises the issue of relation between classification mistakes and legality principle in criminal law. Do classification mistakes always result in the violation of legality principle? The protection of rights and interests of many people including victims, offenders and society in general is of paramount importance and practical significance.

Keywords: determination of classification mistakes, preliminary investigation, trial, miscarriage of justice, judicial independence, legality.

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LEGAL REGULATION OF INTERNET ADVERTISING

Information about goods and ideas is spread in Internet by various means: through sites, articles, on-line commercials, games, etc. These means do not always fall under advertising heading according to the Russian law. The author examines the following forms of internet advertising: banner, contextual advertising, site in terms of their regulation in Russia. The controversial issues of legal definitions of site and domain name are also considered.

Keywords: internet advertising, banner, site, contextual advertising, objects of intellectual property rights.

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MOTORWAY AS A SEPARATE IMMOVABLE PROPERTY UNIT

The reasons are given to consider the status of motorway as a civil law object, immovable property unit, structure, a separate thing in relation to a land plot. It is a complicated thing in terms of the composing elements. The author of the article proposes amendments to the existing law.

Keywords: motorway, line structure, immovable property, property, land plot.

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ON QUESTIONS ARISING FROM SEPARATING STATE PROPERTY BETWEEN THE RUSSIAN FEDERATION AND ITS CONSTITUENT MEMBERS

The disputes between the Russian Federation and its constituent member Sakha republic concerning the rights to some major enterprises are taken as an example by the author to study the issue of separating property between the federal government, constituent members and local authorities. According to the author the respective law should be passed despite the obvious difficulties because it will allow to avoid long-standing controversies about the rights to sensitive facilities. The existing law does not provide for this opportunity.

Keywords: state property, redistribution of rights, separation of rights to property, distribution of powers, constituent member of federation.

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THE PROBLEM OF CLASSIFICATION OF GOODS QUALITY IN RUSSIAN LAW

The necessity to make laws classifying the quality of goods is well grounded in the article. The author proposes classification which will maintain the position of fair manufacturers and will prevent those who produce goods of low quality from passing off the goods as excellent.

Keywords: quality of goods, advertising of goods, protection of consumer rights.

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IMPORTANT ISSUES OF ALTERATION AND TERMINATION OF POWER SUPPLY CONTRACT

Alteration and termination of power supply contract are conditioned by the legal status of the consumer that is whether the consumer is an individual or a legal person. The author compares the general rules concerning purchase and sale contracts and specific rules regulating power supply contracts provided by the Civil Code of the Russian Federation. New laws in the electric power industry are also analyzed. Amendments to the Russian Civil Code aimed at improvement of laws regulating power-supply industry are proposed.

Keywords: power supply contract, consumer, power supplier, repudiation of a contract, termination of a contract, alteration of a contract.

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LEGAL EDUCATION AND JURISPRUDENCE IN RUSSIA IN THE 1860S-1870S. ARTICLE 5.

The deals with the reform of the legal education in Russia which stated with the adoption of a new University Charter in 1863. Alterations brought about by the new Charter also concerned curricula in the Law School since it specified legal courses in a different way. The University Charter reflected the newest trends of the Russian legal theory.

Keywords: history of the Russian jurisprudence, the University Charter of 1863, a new law school curriculum, reform of legal education.