

## LAW ISSUES

UDC 340.12

ON THE LEGAL VIEWPOINTS OF THE SLAVOPHILS  
AND THEIR IDEOLOGICAL FOLLOWERS

© 2014 г. N.Yu. Andreyev

*Andreyev Nikolay Yuryevich –  
Post-Graduate,  
Department of Theory and History  
of State and Law,  
Faculty of Law,  
Voronezh State University,  
Universitetskaya Square, 1, Voronezh, 394006.  
E-mail: wredig@rambler.ru.*

*This article considers legal concept of Slavophil and their followers (neoslavophils and pochvenniks). The author tries to define the attitude of Russian philosophers (slavophils) to law, right and things that connected with them: conscience, morality and justice. At the conclusion, the author states that Slavophil concept of law made essential contribution to Russian and world law science that is actual for nowadays Russian life.*

**Keywords:** *Slavophil, neoslavophils, pochvennik, external truth, inner truth, justice, morality.*

1. Vasilyev A.A. Konservativnaya pravovaya doktrina Rossii: obshcheteoreticheskiye aspekty. M., 2012.
2. Vasilyev A.A., Seregin A.V. Istoriya russkoy okhranitelnoy politiko-pravovoy mysli (VII – XX vv.): uchebnik. M., 2011.
3. Vasilyev A.A. Ocherki istorii russkoy konservativnoy pravovoy mysli v XIX v. (slavyanofilstvo i pochvennichestvo). M., 2011.
4. Aksakov K.S. Poln. sobr. soch.: v 3 t. M., 1889. T. 1.
5. Shirokova M.A. Politicheskaya doktrina rannikh slavyanofilov: dis. ... kand. ist. nauk. Barna-ul, 1999.
6. Khomyakov A.S. Mneniye inostrantsev o Rossii // Poln. sobr. soch.: v 5 t. M., 1900. T. 1.
7. Khomyakov A.S. K serbam. Poslaniye iz Moskvy // Tam zhe.
8. Khomyakov A.S. Po povodu stati I.V. Kireyevskogo «O kharaktere prosveshcheniya Yevropy...» // Blagova T.I. Rodonachalniki slavyanofilstva. Aleksey Khomyakov i Ivan Kireyevskiy. M., 1995.
9. Aksakov I.S. Doktrina i organicheskaya zhizn // Nashe znaniye – russkaya narodnost. M., 2008.
10. Kireyevskiy I.V. V otvet A.S. Khomyakovu // Kireyevskiy I.V., Kireyevskiy P.V. Poln. sobr. soch.: v 4 t. T. 1. Filosofskiy i istoriko-publitsisticheskiy raboty / sost., prim. i kom. A.F. Malyshevskogo. Kaluga, 2006.
11. Kireyevskiy I.V. Zapiska ob otnoshenii russkogo naroda k tsarskoy vlasti // Tam zhe.
12. Berdyayev N.A. Konstantin Leontyev, A.S. Kho-myakov. M., 2007.
13. Kireyev A.A. Ucheniye slavyanofilov / sost. S.V. Lebedev, T.V. Linitzkaya; predisl. i kom. S.V. Lebedeva; otv. red. O.A. Platonov. M., 2012.
14. Khomyakov D.A. Samoderzhaviye (opyt skhema-ticheskogo postroyeniya etogo ponyatiya) // Pravosla-viye. Samoderzhaviye. Narodnost / sost., vstup. st., prim., imennoy slovar A.D. Kaplina; otv. red. O.A. Platonov. M., 2011.
15. Shipov D.N. Vospominaniya i dumy o perezhitom. M., 2007.
16. Dostoyevskiy F.M. Sobr. soch.: v 9 t. T. 9, kn. 2: Dnevnik pisatelya. M., 2004.
17. Grigoryev A.A. Kriticheskoy vzglyad na osnovy, znacheniy i priyemy sovremennoy kritiki iskusstva. Posvyashcheno A.N. Maykovu // Apologiya

UDC 343.121.5 + 347.637

## TENDENCIES OF PENAL POLICY IN THE SPHERE OF PROTECTION OF MINORS FROM CRIMINAL ATTACKS

© 2014 г. *M.V. Ryabova, Ye.V. Seregina*

*Ryabova Marina Valentinovna –  
Candidate of Pedagogical Sciences,  
Associate Professor,  
Department of Linguistics and Foreign Languages,  
Rostov branch  
of the Russian Academy of Justice,  
Lenina Ave., 66, Rostov-on-Don, 344038.  
E-mail: rostf\_rap@list.ru.*

*Seregina Yelena Vladimirovna –  
Candidate of Law Sciences,  
Associate Professor,  
Department of Criminal Law,  
Rostov branch  
of the Russian Academy of Justice,  
Lenina Ave., 66, Rostov-on-Don, 344038.  
E-mail: seregina51@mail.ru.*

*The article is dedicated to the analysis of modern state and tendencies of criminal law policy in the sphere of adolescents' protection from criminal offence. The authors attempt to define the informational guides which allow giving an objective evaluation of children's position in modern Russia; to identify the problematic matters of criminal law as the cause to development of the effective policy of the adolescents' protection from criminal offence; to suggest a set of measures directed to development of the effective policy of adolescents' protection from criminal offence.*

**Keywords:** *criminal law policy, adolescents, criminal law, criminal law protection of the adolescents from criminal offence.*

1. Nikolayeva Yu.V. *Differentsiatsiya otvetstvennosti za posyagatelstva na interesy nesovershennoletnikh v ugovnom prave Rossii: avtoref. dis. ... d-ra yur. nauk. M., 2012. S. 3.*

2. Odoyevtseva S. *Dostuchatsya do nebes detyam proshche, chem do chinovnikov // Moskovskiy komсомоlets. 2000. № 207. 15 sent. S. 2.*

3. Bekbulatova T. *MVD otchitalos za detey // Kommersant. 2013. 9 apr. S. 3.*

4. Lopashenko N.A. *Ugovnaya politika. M., 2009. S. 480 – 481.*

5. Kapinus O.S., Dodonov V.N. *Otvetstvennost za detskuyu pornografiyu v Rossii i za rubezhom // Sovremennoye ugovnoye pravo v Rossii i za rubezhom:*

*nekotoryye problemy otvetstvennosti: sb. st. M., 2008. S. 181 – 196.*

6. *Fakultativnyy protokol k Konventsii o pravakh rebenka, kasayushchiysya trgovli detmi, detskoy prostitutsii i detskoy pornografii ot 25 maya 2000 g. URL: [http://www.un.org/ru/documents/decl\\_conv/conventions/rightschild\\_protocol2.shtml](http://www.un.org/ru/documents/decl_conv/conventions/rightschild_protocol2.shtml) (data obrashcheniya: 01.03.2014).*

7. Gavritskiy A.V., Seregina Ye.V., Berekchiyan S.L. *Kriminologicheskaya obosnovannost i tekhnika zakonodatelnoy reglamentatsii normy ob otvetstvennosti za izgotovleniye i oborot materialov ili predmetov s pornograficheskimi izobrazheniyami nesovershennoletnikh // Nauka i obrazovaniye: khozyaystvo i*

ekonomika, predprinimatelstvo; pravo i upravleniye. 2012. № 10 (29). S. 83.

8. Piskarev D.P. Sotsialno-psikhologicheskiye stereotipy protivopravnogo povedeniya molode-zhi: ucheb. posobiye. Moskva; Kostroma, 1999. S. 39 – 41.

9. Pudovochkin Yu., Chechel G. Kvalifikatsiya sluchayev вовлечения несовершеннолетних в

prestupnuyu gruppu // Rossiyskaya yustitsiya. 2000. № 12. S. 37 – 38.

10. Minkovskiy G.M. Povyseniye effektivno-sti ugolovno-pravovoy borby s вовлечением несовершеннолетних в преступную деятельность: mezhvuz. sb. nauch. tr. / pod red. V.I. Letuchikh, A.I. Martseva. Omsk, 1984. S. 45.

---

UDC 343.13

## CRIMINAL PROCEDURAL COERCING OF MINORS ACCORDING TO THE LAW OF FRENCH REPUBLIC

© 2014 г. D.A. Stezhko

*Stezhko Daniil Aleksandrovich –  
Post-Graduate,  
Department of Criminal Process,  
Faculty of Law,  
Kuban State University,  
Stavropolskaya St., 149, Krasnodar, 350040.  
E-mail: dstezhko@mail.ru.*

*This article examines the application of measures of criminal procedural abuse of minors on the base of criminal procedure legislation of France. Some measures of procedural coercion used against minors involved in criminal proceedings are highlighted. France is now one of the most advanced among the foreign countries for the development of the juvenile justice system. Therefore, it is advisable to borrow some of its elements for domestic legislation, and in particular, such measures of procedural coercion as judicial supervision that would help achieve the criminal procedural law goal and thus minimally negative affect the educational process of minors.*

**Keywords:** *enforcement, juvenile, detention, temporary detention, judicial control, penal laws of the French Republic.*

1. Bobotov S.V. Pravosudiye vo Frantsii: ucheb. posobiye. M., 1994. S. 131 – 132.

2. Ofitsialnyy istochnik opublikovaniya normativno-pravovykh aktov Frantsuzskoy Respubliki. URL: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154&dateTexte=20131015> (data obrashcheniya: 10.01.2014).

3. Tam zhe. URL: <http://www.legifrance.gouv.fr/af-fich-Texte.do?cidTexte=LEGITEXT000006069158&dateTexte=20081212> (data obrashcheniya: 10.01.2014).

4. Golovko L.V. Doznaniye i predvaritelnoye sledstviye v ugolovnom protsesse Frantsii. M., 1995. 49 s.

5. Bobotov S.V. Burzhuaznaya yustitsiya. Sostoyaniye i perspektivy razvitiya. M., 1989.

---

UDC 342.72/.73

## LEGAL CATEGORY OF PRIVATE LIFE AS AN OBJECT OF STUDY OF SOCIAL PHILOSOPHY

© 2014 г. A.M. Ulyanchenko

*Ulyanchenko Aleksandr Mikhaylovich –  
Candidate of Law Sciences, Associate Professor,  
Department of Criminal Law and Criminalistics,  
Faculty of Humanitarian and Economic,  
Don State Technical University,  
Gagarin Sq., 1, Rostov-on-Don, 344000,  
E-mail: alex82@aanet.ru.*

*In the article the legal category of privacy is considered in the classical social philosophy; as a subject of special study it is analyzed by philosophers of existentialism and postmodernism. The author carries out the retrospective analysis of the development of philosophical thought in the classical ancient philosophy, in modern philosophy and in the philosophy of the twentieth century. Private life is connected with the problems of property, public life, state power, human rights, individual freedoms. The author analyzes the viewpoints of such philosophers as Aristotle, Hobbes, B. Spinoza, J.J. Rousseau, J. Lohk, N. Berdyaev, J. Dewey, H. Arendt and J. Habermas. Particular attention is paid to the role of the state in the legal protection of privacy.*

**Keywords:** *private/public sphere, property, human rights, protection of privacy, legal liability for infringement of privacy, individual freedoms.*

1. Mir filosofii / sost. P.S. Gurevich, V.I. Sokolov. Ch. 2. M., 1991.
2. Aristotel. Politika. Soch.: v 4 t. M., 1983. T. 4. S. 409 – 410.
3. Tsit. po: Dvortsov A.T. Zhan-Zhak Russo. M., 1980. S. 41.
4. Lohk Dz. O gosudarstvennom pravlenii. Izbr. filosofskiye proizvedeniya: v 2 t. T. 2. O grazhdanskom pravlenii. M., 1960.
5. Tsit. po: Zaichenko T.A. Dzhon Lohk. M., 1988. S. 164.
6. Macpherson C.B. The Social Bearing of Locke's Political Theory // Locke and Berkeley / Ed. by C.B. Martin and D.M. Armstrong. N.Y., 1968.
7. Gegel. Filosofiya istorii. Soch. M.; L., 1935. T. 8.
8. Berdyaev N.A. I mir obyektov (opyt filosofii odinochestva i obshcheniya). Parizh, 1935. S. 145 – 146.
9. Berdyaev N.A. O naznachenii cheloveka. Parizh, 1931.
10. Dzhems U. Lichnost // Psikhologiya lichno-sti. Teksty. M., 1982.
11. Habermas J. The Sctructural Transformation of the Public Sphere. Cambridge, 2003.
12. Khaberamas Yu. Demokratiya, razum, npravstvennost. Lektsii i intervyyu, aprel 1989 g. M., 1992.
13. Dewey J. The Public and Its Problems. N.Y., 1927. P. 12.
14. Arendt H. The Human Condition. Chicago, 1958.
15. Khaberamas Yu. Vovlecheniye drugogo: ocherki politicheskoy teorii. SPb., 2001. S. 153.

---

UDC 347.61/.64.086

## **ON THE MEASURES OF FAMILY-LEGAL RESPONSIBILITY OF PARENTS ON THE MATRIMONIAL LAW OF THE RUSSIAN FEDERATION**

© 2014 г. *A.M. Shakhayeva*

*Shakhayeva Aminat Medzhdovna –  
Senior Lecturer,  
Department of Civil Law,  
Faculty of Law,  
Dagestan State University,  
Gadzhiev St., 43a, Makhachkala, 367000.  
E-mail: aminat05@mail.ru.*

*The article is devoted to such measures of family-legal responsibility as the deprivation and the limitation of parental rights. Deprivation of parental rights – an extreme measure of parental responsibility, is applied only in the case when there is no other way to protect the rights and interests of the child. However, the institute of restriction of parental rights is less used in practice. The family law requires the clarification and the specification of rules on the limitation of parental rights in order to protect the interests of the child.*

**Keywords:** *parental rights, deprivation, limitation, protection of children.*

1. Kazantseva A.E. Obyazannosti i prava roditeley (zamenyayushchikh lits) po vospitaniyu detey i otvetstvennost za ikh narusheniye. Tomsk, 1987. S. 109.
  2. Glivinskaya I.N. Nekotoryye voprosy otvetstvennosti i mer zashchity v semeynom prave // Semeynoye i zhilishchnoye pravo. 2009. № 3. S. 16.
  3. URL: <http://www.yurist-online.net/article/299> (data obrashcheniya: 12.01.2014).
  4. Vystupleniye V.V. Putina na Syezde roditeley Rossii. URL: <http://www.rg.ru/2013/02/09/stenogramma-site.html> (data obrashcheniya: 12.01.2014).
  5. Byulleten Verkhovnogo suda Respubliki Karelii. 2010. № 1 (22).
  6. Smirnovskaya S.I. K voprosu ob otvetstvennosti roditeley po semeynomu zakonodatelstvu Rossii i Frantsii // Semeynoye i zhilishchnoye pravo. 2010. № 1. S. 8.
-