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FINANCIAL CONTROL IN THE FINANCIAL SECURITY SYSTEM OF RUSSIA

Keywords: finance, financial control, national interests, financial security, threats to financial security.

The article highlights different aspects of the concept "financial security", the existing threats in this area, examines relationships between financial control and national financial security, describes the means of improving the financial control in modern Russia.

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DRAFTING OF THE UNIFORM CIVIL PROCEDURAL CODE OF SWITZERLAND: TAKING INTO ACCOUNT LEGAL TRADITIONS AND MEETING CHALLENGES OF THE MODERN TIME

Keywords: civil procedure of Switzerland, canton civil procedural Code, uniform procedural Code, uniformity of procedure, civil procedural reform, comparative legal studies.

It might seem that the time of dramatic changes in the field of civil procedure affecting the whole system of national civil justice has passed for most European nations. However, the example of Switzerland where the laws of 26 cantons have been uniformed and a new Civil Procedural Code has been passed which will take effect from January 1, 2011 shows that harmonization of civil procedural law continues not only within national and European boundaries but in separate states. The author describes the underlying principles of the new Code, the work of the expert group, the work of draftsmen using the results of comparative legal studies, alterations of some traditional principles typical of Swiss legal system and those principles which have been retained.

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CIVIL LAW PROBLEMS ARISING FROM MUTUAL FUND USAGE

Keywords: mutual fund, trust agreement, joint shared property, security, investment unit, management company, shareholder.

Legal relationships between shareholders and the management company are created by trust agreement. Its conclusion is manifested in issuing a security certifying the investor's share in mutual right of ownership to fiduciary property constituting mutual fund. According to the author this type of legal relationships is inconsistent with the nature of relationships which are established between the management company and shareholders because of its internal tensions. Many legal provisions concerning mutual funds not only contradict one another but are in conflict with the provisions of the Russian Civil Code. The author sets forth the idea of drafting a contract and passing it as a law which could meet the needs of relationships between the management company and shareholders.

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ON INTRODUCTION OF IMPEACHMENT INSTITUTION AS A NEW FORM OF LEGAL PUBLIC RESPONSIBILITY OF A CERTAIN CATEGORY OF FEDERAL JUDGES IN RUSSIA

Keywords: impeachment, constitutional rule of legality, judicial responsibility, judicial disciplinary Committee, High qualification Chamber of the Russian Federation, opinions and orders of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the system of checks and balances.

The authors have thoroughly studied the question how judiciary guarantees the realization of the constitutional rule of legality. They come to the conclusion that introduction of impeachment institution in Russia is highly advisable. It is a new form of legal public responsibility of judiciary in Russia. The purpose of impeachment in modern society is to achieve the efficient and effective operation of the system of checks and balances, to guarantee the true realization of the constitutional rule of legality by courts, to introduce the judicial responsibility for ignoring the decisions of the Russian Constitutional Court.

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MOTOR VEHICLE RENTAL AGREEMENT: ITS PROBLEMS

Keywords: vehicle, rent, crew.

The authors have found out why the construction of motor vehicle rental agreements makes it a separate type of contract. They discuss the most controversial issues of legal regulation in this field. There are shown characteristic features of vehicles as a specific rented property, the types of transport are enumerated. The legal relationships between the crew members of the rented vehicle and the party to the contract bound to steer and maintain it technically are described.

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CONTRACT OF CARRIAGE OF PASSENGERS AND BAGGAGE BY INLAND WATER TRANSPORT

Keywords: inland water transport, carriage, transport legislation, rights and duties of a passenger, rights and duties of transport company, responsibility for delivery of luggage.

Contract of carriage is quite a common form or agreement both in Russian and international practice. However, it has not received sufficient attention in the modern Russian legal literature. The author explicates the meaning of the term "carriage by inland water transport", describes the legal nature of the contract in question, examines specific rights, duties and responsibilities of the parties to the contract of carriage.

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LEGAL FEATURES OF ADVERSE POSSESSION FROM HISTORICAL PERSPECTIVE

Keywords: usucapio, legal status of adverse possessor, relation between usucapio and period of limitation, limited rights of adverse possessor, possible adverse possession through private agent, the time of acquisition of title by adverse possession, the required court procedure, legal significance of state registration.

Russian pre-revolutionary law is still seen as a climax of the Russian civil law. The author examines laws, legal theory and practice of that time to find the answers to the contemporary legal questions and controversies. What kind of adverse possession may lead to acquiring the title to property? One should take historic experience into account in order to consistently interpret the existing legal rules, understand their meaning and fill in legal gaps.

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LEGAL EDUCATION AND JURISPRUDENCE IN RUSSIA IN THE 1860S-1870S. ARTICLE 6

Keywords: History of the Russian jurisprudence, the opening of new imperial universities, Novorossiysk University, Warsaw University and its Charter, curriculum of the law schools in the new universities.

The article deals with the legal education provided by Russian universities in the 1860-s. the author dwells on the opening of the new imperial universities in Odessa and Warsaw and legal courses taught there. Special accent is made on the university structure and curriculum of the Law School specified in the Warsaw University Charter of 1869.

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THE ISSUE OF POSSESSION IN RUSSIAN, GERMAN AND AUSTRIAN CIVIL LAW

Keywords: possession, quasi-possession, possessor's protection, objects of possession.

What does the institution of possession mean in German and Austrian civil laws? What are the specific features of its creation and application nowadays? Is it necessary to borrow the institution in the course of reforming Russian civil laws? The author giving answers to these and other questions emphasizes the unique nature and great importance of possession in Austrian and German civil legal rules. The author rejects the possibility and necessity of its borrowing into the Russian legislation.

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ON JUDICIAL DISCIPLINARY TRIBUNAL, COURT SYSTEM, FORMS OF PROCEDURE, AND SEPARATION OF POWERS

Keywords: Judicial disciplinary tribunal, federal court system, justice, form of procedure, procedure of civil disputes resolution.

Provisions of the federal law "On judicial disciplinary tribunal" are examined in the article, the tribunal's position is analyzed in terms of the Russian federal court system. The concept of justice is discussed as well as the form of procedure by means of which justice is administered by the tribunal. Some suggestions are made to amend the existing procedural laws.