

of whether he knows the applicant's identity or not. However, a court can decide the adoption can go ahead without parent's consent if it thinks the child would be put at risk if they weren't adopted or the child's parents are incapable of giving consent, e.g. due to a mental disability [5].

Just as in Britain, to adopt a child in Russia it is necessary to obtain the consent of his parents or guardians (trustees), and in the absence of the parents or guardians (trustees) — the consent of the guardianship and trusteeship body. The parents shall have the right to withdraw the consent they have given for the child's adoption before the court decision on the adoption is passed [1].

Notwithstanding the fact that British legislation requires the consent for adoption, more than 25,000 children are removed every year from their parents, most of whom have not committed any crimes and who are not addicted to alcohol or drugs. Many are taken for 'risk' of future emotional harm; yet an average of 10,000 children in 'State care' go missing every year [10].

Young children are taken into care because of one unexplained bruise or fracture despite no previous history of injuries. Children in care are gagged and usually are not allowed to testify in court even when begging to do so. There are also cases when parents — especially those with complications in mental development — are told that their children will be removed even before they've given birth. With limited tools to fight the system, many UK families are choosing to flee to neighboring Ireland or other foreign countries to keep their children [10].

Thus, the analysis of legal aspects of adoption in Russia and Great Britain revealed that Russian adoptive law is stricter than British. This is due to a large number of circumstances under which a citizen may not be an adoptive parent. The procedures of adoption are almost similar in both countries. However the legislation of the Russian Federation tries to minimize the physical, psychological and moral impact on children left without parental care.

Russian multinational society with its mentality, religions, and historical memory expresses strong disapproval of the British adoption policy, allowing LGBT and forced adoption, threatening the health and protection of the legitimate interests of children.

Russia should not follow the European path of development, but taking into account our traditions and culture, needs to establish a mutual understanding between the people and the government.

Bibliography

1. Семейный кодекс Российской Федерации от 29.12.1995 N 223-ФЗ (ред. от 30.12.2015) // Собрание законодательства. — 1996. — №1. — с. 55-63 (ст.124-133).
2. Гражданский процессуальный кодекс Российской Федерации от 14.11.2002 N 138-ФЗ (ред. от 30.12.2015) (с изм. и доп., вступ. в силу с 01.01.2016) // Собрание законодательства. — 2002. — №46. — с. 119-123 (ст. 269-275).
3. The Equality Act (Sexual Orientation) Regulations: Statutory instrument dated 30th April 2007 No. 1263 // TSO (The Stationery Office) Limited under the authority and superintendence of C. Tullo, Controller of Her Majesty's SO and Queen's Printer of Acts of Parliament. — 2007. — p.3.
4. Adoption and Children Act dated 7th November 2002 Chapter 38 // TSO Limited under the authority and superintendence of C. Tullo, Controller of Her Majesty's SO and Queen's Printer of Acts of Parliament. — 2002.
5. Adoption Act dated 22nd July 1976 Chapter 36 // Harold Glover Controller of Her Majesty's SO and Queen's Printer of Acts of Parliament — 1976. — p. 9-10 (Section 16 (1) (b)).
6. On Measures of Influence upon Persons Involved in Abuse of Fundamental Human Rights and Freedoms, Rights and Freedoms of Russian Citizens: Federal law dated December 28, 2012 №272-FZ // Собрание законодательства. — 2012. — №53. — ст. 1-4.
7. Fostering or adopting a child [Electronic resource]: Child adoption // GOV.UK: the website for the UK government, 2012. URL: <https://www.gov.uk/child-adoption/overview> (date of the application 31.03.2016).
8. The adoption process [Electronic resource]: First4Adoption: the national information service for people interested in adopting a child in England. URL: <http://www.first4adoption.org.uk/the-adoption-process/> (date of the application 01.04.2016).
9. World news, Europe [Electronic resource]: Russia bans adoptions from countries that allow gay marriage // Telegraph, 13 Feb 2014. URL: <http://www.telegraph.co.uk/news/worldnews/europe/russia/10635821/Russia-bans-adoptions-from-countries-that-allow-gay-marriage.html> (date of the application 01.04.2016).
10. Forced adoption [Electronic resource]: Stop punishment without crime! Stop Gagging Parents & Children! // Ian Josephs, Monaco. Blog at WordPress.com. URL: <http://forced-adoption.com/> (date of the application 02.04.2016).

FINANCIAL SUPPORT OF SMALL BUSINESS AT REGIONAL LEVEL

М.Д. Маслов,
студент 1 курса ФЭИ ТюмГУ
направление «Экономика»
maslovmd@gmail.com

Научный руководитель:

Н.А. Мороз,
доцент кафедры иностранных языков и
межкультурной профессиональной коммуникации
экономико-правовых направлений ИГиП ТюмГУ,
кандидат филологических наук

The development of small business in Russia has begun recently. Since that time, the state's policy in the field of small business as well as the legal framework regulating the activities of small business and medium-sized enterprise has been steadily

developing. Over the years, significant changes have taken place in the quantitative and qualitative consistencies of entrepreneurial structures.

To begin with, small business in any market economy serves as a primary sector that determines economic growth. Small businesses are more dynamic; they are faster and respond to changes in the internal market more efficiently, in periods of growth and in times of crisis. Small business often plays the role of a tool to redress imbalances in some markets. It is necessary to study both foreign and domestic experience of small business establishment. Moreover, evaluation of the effectiveness of its development in the regions confirms the relevance of our topic.

The aim of the article is to study the role of small business (or medium-sized enterprise) in regional development and its financial and legal support in the present economic environment.

To achieve this goal it is requested to take on the following tasks: study theoretical aspects of organization and financing of small businesses at the regional level; review forms and tools of legal and financial support for small businesses at the federal and regional level; evaluate the development of small business in Russia and its regions; analyze small business support in the regions of the Russian Federation in connection with the Tyumen region; identify problems and ways of improvement in the fields of legal and financial support of small business.

The distinctive feature of small business is the relationship of the concepts of "survival" and "instability". Small businesses are flexible and rapidly fill a niche in the economy with a higher level of profitability than provide a rapid saturation of solvent demand, the necessary changes to the country's economy. However, they lose on their competitive advantages over big business, which now feels more comfortable and confident in the market.

Small and medium-sized businesses has and must have a real influence on the socio-economic development of the country, which is why one of the most important guidelines of the economic policies of the Russian state is to create and maintain the most favorable climate for the development of small and medium-sized businesses, as one of the priority directions of the state policy.

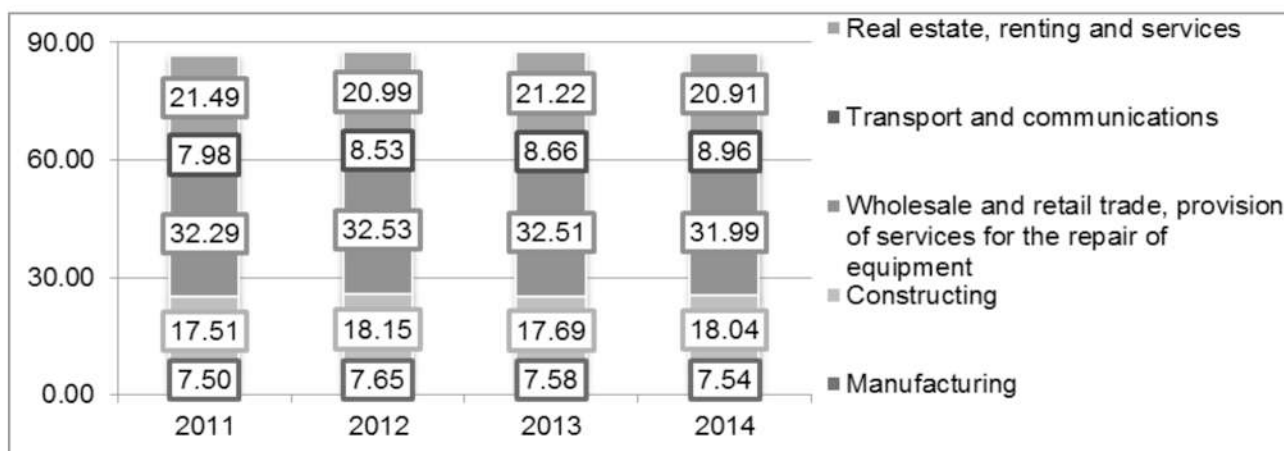
Unfortunately, in the Russian Federation, the level of development of small and medium-sized businesses that brings more and more income to the governmental budget does not meet the demand of the economy and does not reflect its potential in the formation of gross domestic product. In the countries with market-oriented economics, on the contrary, small business is quite important, it participates in solving serious economic, social and other problems. Expansion of the sector is capable to turn small and medium –sized business into one of the engines of economic development of Russia and to help in the formation of a middle class.

It is demanded to note that small business agents can operate successfully in the presence of certain types of support: legal, human resources, property, financial, informational, organizational, methodological, technical, and others.

Depending on the use of financing instruments there are the following three groups: self-financing; attract financing, debt financing. The first source is associated with the reinvestment of accumulated depreciation and retained earnings attributable to the equity of the enterprise. The second group sources consist of the issue of additional shares and its derivatives are also related to the equity of the enterprise. The third group includes all sources of debt character, like credit, loans, quasi-loans in the form of leasing and others. Sources of the third group are associated with borrowed capital of the company.

Currently, the Russian Federation has carried out active support of small businesses from the state. The main objectives of the state policy in the field of development of small and medium-sized businesses are to provide favorable conditions for development of small and medium-sized businesses and to assist in the promotion of the commodities they produce. Financial support infrastructure provided quite extensive, there are all the necessary institutions for the proper functioning of small business at any stage of its existence.

The analysis carried out on the results of activity of small enterprises in the Tyumen region, showed that the most developed businesses are: manufacturing; constructing; wholesale and retail trade; repair of motor vehicles, motorcycles, household goods and personal items; transport and communications; operations with real estate, renting and services. Picture 1 [4, 8] shows the change in the proportion of companies in dedicated sections of activities in four years.

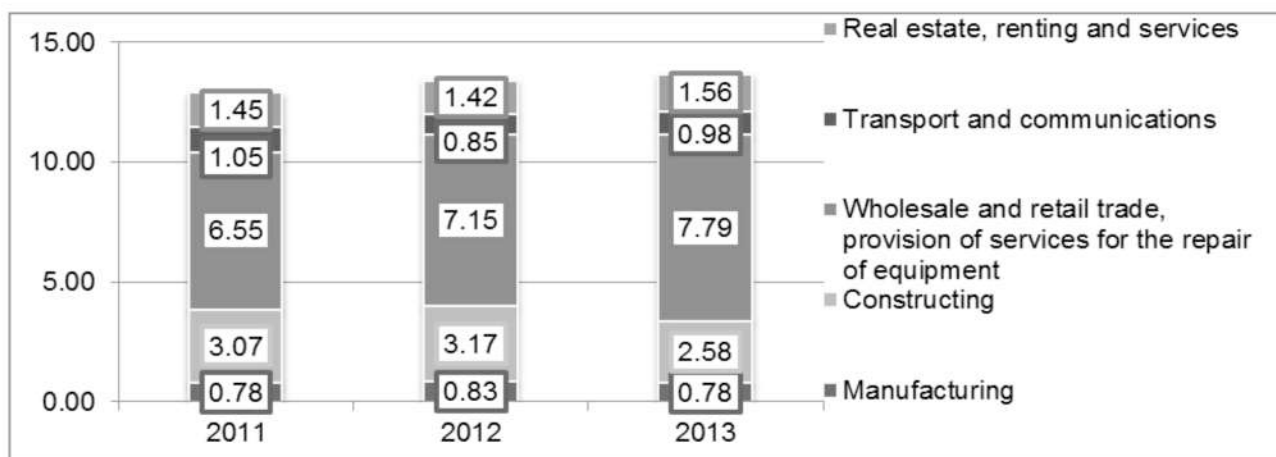


Pic. 1 Changes in the share of small and medium enterprises by activities,%

The calculations show that the share of small enterprises engaged in these activities stable at nearly 90% in the total number of subjects of small business of the Tyumen region. Thus, manufacturing held at the level of 7.5-7.7%, constructing — 17.5-18.1%, trade and services — 32-32.5%, transport and communications — 8.9%, operations with real estate — 20.9-21.5%. Thus it

may be noted that the greatest changes is subject to the sphere of transport and communications, whose share in the total number of enterprises is growing steadily by 12.3% during the period.

The largest part of the turnover, as seen from Picture 2 [4, 8], accounts for a small business engaged in wholesale and retail trade and repair of equipment for providing services (on average 50.1% of the turnover of small enterprises in the region and 7.2% of GRP). Construction creates almost 20% of the turnover of small enterprises and 2.9% of the regional product. Three leaders close the sphere of real estate operations, making 10.6% of the turnover of the Tyumen small businesses and 1.5% of GRP.



Pic. 2 Specific weight of turnover of small and medium-sized businesses in the GRP, %

Thus, highlighting the main activities of small and medium-sized businesses in the Tyumen region, it is possible to assess their development by the integrated assessment.

The technique involves the calculation of the four integral indexes in the number of tactical tasks in the framework of the strategic goals for the development of small business.

On this basis, according to the same principle formed a consolidated integral index of small business I_{SB} [2]:

$$I_{SB} = \sqrt[4]{I_{QI} \times I_{RE} \times I_{BK} \times I_{SE}}, \text{ where}$$

I_{QI} — integral quality index of small business;

I_{RE} — integral index of resource efficiency;

I_{BK} — integral index of the business climate for small businesses;

I_{SE} — integral index of social efficiency of small business.

All these indexes should be compared with digit one as a value of the index suggests that the development is in place, the value is greater than one report that in this period there is acceleration in the growth of small business, and values below one indicate a slowdown in the development of small enterprises.

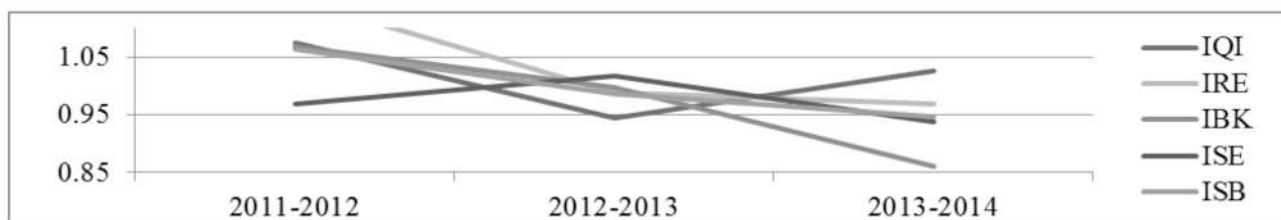
Table 1

Integral indexes of small business development in the Tyumen region in 2011—2014

индекс	interpretation	value for the period		
		2011-2012	2012-2013	2013-2014
1	2	3	4	5
I_{QI}	integral quality index of small business	1.0760	0.9459	1.0272
I_{RE}	integral index of resource efficiency	1.1535	0.9885	0.9683
I_{BK}	integral index of the business climate for small businesses	1.0681	0.9990	0.8602
I_{SE}	integral index of social efficiency of small business	0.9682	1.0181	0.9378
I_{SB}	consolidated integral index of small business	1.0644	0.9875	0.9465

Source: [Compiled by the author on the basis of 3, 5]

The dynamics of change in the integral index is shown in Picture 3.



Pic. 3 Dynamics of the integral indexes of small business of the Tyumen region in 2011—2014.

On the chart there is a general tendency to decrease, indicating that the deterioration of the development of small enterprises in the Tyumen region. Almost all indexes in this range are descending, but hope for the development of small business in the future reserves the positive trend of the index of quality of development of small enterprises, which includes the important parameters such as the amount of turnover, investments in fixed assets and the amount of tax payments from small businesses. In today's reality, especially the Western sanctions that negatively affect the economy of the whole Russia, the economic crisis, has been observed for more than two years, do not expect a strong development of small business. Banks have become more serious relate to lending, and government support for small businesses reduced, since there is the optimization of the expenditure side of budgets of all levels in order to support the priority areas of activity of the state, which shows in Picture 3 index of business climate for small businesses, which allows for the implementation of small business support policy.

It can be noted that in the Tyumen region a large part of the gross regional product is created by large enterprises, mainly involved in the development of mineral resources that prevents to develop the region's economy, because the head offices of these companies are away from the Tyumen region, where the most of the money are settled. It is also observed that the beginning of the crisis, which is now observed in the economy, started in 2013. Main indicators of development of small businesses in the region are declining. In addition, serious problem is the fact that most of the turnover, precisely 50% of small businesses in the region accounted for by retailers. After all, they are engaged in the resale of products, while production in the region in a small business is at a low level, which makes the economy unstable, because by closing supply chain of goods for resale, we can greatly worsen the economic situation of small businesses in the Tyumen region.

The analysis method of integral index of small business in the region revealed that from 2011 to 2014 is a deterioration of the situation of small businesses in the region. It was also found out that a small business unit to a greater extent is self-funded, and the share of debt capital is on average almost 40%, but gradually reduced, due to the reluctance of banks to lend because of the growth of the debt. The share of state support of small enterprises provides only investment in fixed assets.

The problems identified in the analysis, can be solved in the following ways:

- allowance of small businesses in the oil industry;
- creation of a federal guarantee fund in order to ensure more small businesses access to loans;
- introduction of tax holidays for new small businesses;
- determination of quotes in public procurement system on the participation of small and medium-sized businesses;
- decrease in rates on surety of guarantee funds for manufacturing enterprises;
- tax holidays for the most active companies working on its reputation and producing high-quality high-tech products in the periods of growth;
- introduction of a special tax regime for businesses of family involved in the family business and having the goodwill;
- increase in quality control management of regional business support programs.

The use of these measures should lead to an increase in the attractiveness of small businesses and, as a consequence, increase the number of small and medium-sized businesses in 2030 to 7.7 million units, as indicated in the forecast of socio-economic development until 2030.

In connection with what has been mentioned here, it is necessary to stress that gradual changes take place in the structure of the entrepreneurial sector of Russian economy, and the Tyumen region as well. There is a trend towards an increase in the number of small private businesses. The state's policy for both legal and financial help is an integral part of the national economic agenda. The policy is aimed at the creation of favorable conditions for the successful development of small business and the practical implementation of the people's entrepreneurship initiatives according to modern laws. At present, there is no doubt that the implementation of the new laws will help to eliminate the factors that restrain the development of small business in our region, to enhance state support, and to encourage the formation of small businesses in the Tyumen region. Considering the problem, the main legal and financial supportive activities that must take place include the creation of a favorable climate for the development of entrepreneurship; the development of a system of legal support of small entrepreneurs; the improvement of informational legal support of small enterprises; the development of international cooperation in the sphere of legal support; and the improvement of the small business personnel training system.

References

1. Reshenie Dumyi Tyumenskogo munitsipalnogo rayona ot 28 iyunya 2013 g. №432 "Ob informatsii o realizatsii dolgosrochnoy tselevoy programmy "Osnovnyie napravleniya razvitiya malogo i srednego predprinimatelstva v Tyumenskom munitsipalnom rayone na 2011—2013 godyi" za 2012 god" [Elektronnyiy resurs] /GARANT.RU — URL: <http://www.garant.ru/personal/ivlist/#ixzz3doSiwvxT>.
2. Devyataeva, N. V. Sposobyi organizatsii malogobiznesa / N. V. Devyataeva, E. V. Gryzunova // Molodoyuchenyiy. — 2013. — №6. p. 306-310.
3. Integralnyie pokazateli razvitiya malogo predprinimatelstva: otchet o NIR / Buev V.V., Migin S.V. i dr.. — Moskva :Nats. inst-t sist. issled. problem predpr-va., 2007. 46 p.

4. Koeffitsientyi platezhesposobnosti organizatsiy v Tyumenskoj oblasti [Elektronnyiy resurs] / Territorialnyiy organ Federalnoy sluzhba gosudarstvennoy statistiki po Tyumenskoj oblasti / — URL:http://tumstat.gks.ru/wps/wcm/connect/rosstat_ts/tumstat/ru/statistics/finance/.

5. Lapin, A.E. Otsenka effektivnosti realizatsii gosudarstvennykh programm (amerikanskaya i rossiyskaya praktika) / A.E. Lapin, N.N. Lomovtseva, V.A. Ilyehmenev — (Istoriya. Politologiya. Ekonomika. Informatika) // NauchnyievedomostiBelgorodskogogosudarstvennogouniversiteta. — 2013. — №8-1 (151). P. 80-86.

К ВОПРОСУ ОБ ОБЩЕСТВЕННОЙ ОПАСНОСТИ ДЕЯНИЯ, ПРЕДУСМОТРЕННОГО СТАТЬЕЙ 212¹ УГОЛОВНОГО КОДЕКСА РОССИЙСКОЙ ФЕДЕРАЦИИ

А.А. Машина,
студентка 2 курса Омской юридической академии
направление «Юриспруденция»
nastya.mashina.96@mail.ru
Научный руководитель:
Ю.С. Пестерева,
доцент кафедры уголовного
права и криминологии
Омской юридической академии,
кандидат юридических наук, доцент

С 21 июля 2014 г. в Уголовном кодексе Российской Федерации (далее УК РФ) действует статья о неоднократном нарушении установленного порядка организации либо проведения собрания, митинга, демонстрации, шествия или пикетирования. Инициатива была немедленно поддержана главой государства — под предлогом борьбы с «оранжевыми революциями» [14]. В пояснительной записке к законопроекту отмечается, что ужесточение административного наказания за нарушение правил проведения публичных акций, по ст. 20.2 Кодекса об административных правонарушениях Российской Федерации (далее КоАП РФ), якобы, не возымело должного эффекта [3]. В диспозиции данной статьи идёт речь об административной ответственности за организацию либо проведение несанкционированных публичных мероприятий, порядок проведения которых установлен Федеральным законом от 19 июня 2004 г. N 54-ФЗ "О собраниях, митингах, демонстрациях, шествиях и пикетированиях" [13]. Далее, в случае, если лицо более двух раз привлекается к административной ответственности по ст. 20.2 КоАП РФ в течении 180 дней, затем наступает уголовная ответственность по статье 212¹ УК РФ [5].

Данная статья достаточно критична была воспринята частью общества и получила ярлык «репрессивная». Противники данной нормы утверждали, что она противоречит статье 31 Конституции Российской Федерации (далее Конституции РФ): «Граждане Российской Федерации имеют право собираться мирно, без оружия, проводить собрания, митинги и демонстрации, шествия и пикетирование» [4]. Так, в одном из блогов, своё несогласие со статьёй 212¹ УК РФ выразил Правозащитный центр "Мемориал": «Раньше можно было говорить о систематических нарушениях права на свободу собраний. Новые нормы уголовного и административного кодексов не просто нарушают это право, но, скорее, окончательно упраздняют свободу собраний в России» [6]. Проблемы статьи 212¹ УК РФ заключаются вовсе не в противоречии её Конституции РФ, норма не ограничивает вышеуказанные права граждан, а предусматривает формально-определённый порядок организации и проведения массовых мероприятий, если же лица нарушают, предусмотренные требования, то предполагается административная и уголовная ответственность за не соблюдение порядка проведения и организации массового мероприятия. Проблема, заключается в том, что новый закон ставит уголовную ответственность в зависимость не от общественной опасности "преступления", а от неоднократности правонарушений — что, на языке права, является исключительно характеристикой личности, а не самого деяния.

Статья 212¹ УК РФ носить приюдиционный характер. В **уголовном праве административная преюдиция** представляет собой такой прием юридической техники, при котором, повторно совершенное административное правонарушение в случае, если лицо ранее привлекалось за аналогичное административное правонарушение к административной ответственности, рассматривается как преступление и влечет уголовную ответственность.

Составы с административной преюдицией были известны еще УК РСФСР 1922 г., в УК РСФСР 1926 г. их количество увеличилось, а в УК РСФСР 1960 г., напротив, сократилось. При разработке УК РФ 1996 г. было решено и вовсе отказаться от использования таких составов. Так как нормы с административной преюдицией способствовали усилению репрессивности уголовного законодательства, что явилось одним из условий отказа от таких уголовно-правовых конструкций.

Возрождение института административной преюдиции проходит, как и иные многочисленные изменения УК РФ, под лозунгом либерализации уголовного законодательства. Однако именно у административной преюдиции еще с УК 1926, 1960г. сформировалась «репрессивная» репутация: нормы с административной преюдицией способствовали усилению репрессивности уголовного закона, распространяя сферу уголовных санкций на административные проступки и позволяя на практике манипулировать с преследованием людей за такие «полупреступления» [8]. Возникает закономерный вопрос: Почему именно по нескольким составам предполагается введение административной преюдиции, почему законодателю не взять и к большинству административных составов смежных с уголовными не применить институт административной приюдиции, целью которой, на мой взгляд, является устрашение лица уголовно-правовыми последствиями (судимость).

Необходимо обратить внимание на примечание к статье 212¹ УК РФ, о котором говорилось выше. В связи с этим возникает вопрос: «Может ли **общественно вредное действие (бездействие)** как выражение дезорганизации нормального ритма жизнедеятельности общества, вносящего в него элементы социальной напряженности и конфликтности, перерасти количественно в **общественно опасное деяние** как существенный вред общественным отношениям, поставленным под