

SUPERVISORY REVIEW JUDGMENTS IN CRIMINAL CASES. Munasypova RG

In this paper, the author, relying on the works of modern researchers, taking into account legal positions of the Constitutional Court of the Russian Federation and decisions of the European Court of Human Rights analyzes the theoretical and practical aspects of the institution of supervisory proceedings, considers the most pressing problems and conflicts that arise in the implementation of certain procedures and stages of the stage of review of judicial decisions in the order of supervision in connection with the application by the courts of the norms of the Code of Criminal Procedure of the Russian Federation. Key words: judicial system, judicial review, supervisory instance, criminal process. Between 1991 and 2006, have you been to Russia fundamentally new important legislative acts for our country were adopted: the Constitution Russian Federation, Criminal Code of the Russian Federation, Code of Criminal Procedure, Civil Code of the Russian Federation, Code of Civil Procedure, Housing Code, Land Code, etc. All this led significant changes in various spheres of activity of our society and led to the objective need for a deep theoretical comprehension and comprehensive analysis of fundamentally new provisions of the legislation.

Feature of the legal system of the Russian Federation and even, perhaps, its uniqueness lies in the fact that it provides for the possibility revision of a court decision that has entered into legal force, not only in the order of renewal criminal proceedings due to new or newly discovered circumstances, as is customary in other legal systems, but also by way of judicial review by a higher court over the activities lower courts on a fairly wide range grounds.

of Criminal Procedure in n. 16 art. five defines the supervisory authority as a court considering criminal cases by way of supervision on complaints and submissions against sentences, rulings and decisions of courts that have entered into legal force [1]. Thus, the supervisory instance is "a court considering criminal cases by way of supervision". Legislator making an attempt explain one concept

through another without revealing essence , gives a too general definition , which needs further refinement and clarification .

In legal science, there are two fundamentally opposite approaches regarding the need for supervisory proceedings in Russian legislation . So , in the criminal proceedings of our country, the institution of supervision has been functioning for almost ninety years, and during this period has proven to be quite effective domestic remedy legitimate rights and interests of citizens . The Constitutional Court of the Russian Federation , checking the constitutionality of certain constitutional norms , governing the proceedings in the supervisory instance , has also repeatedly confirmed the compliance of the institution of supervisory proceedings with the fundamental law of the country - the Constitution of the Russian Federation . This point of view is shared by many scientists in Russia , explaining the need for supervisory proceedings by the poor quality of consideration and resolution of cases by lower courts , a large number of judicial errors made in the consideration and resolution of criminal cases , the need to ensure the unity of judicial practice , etc. [2]. However, there is another opinion . So , some scientists , sharing the practice of the European courts believe that the institution of supervision destroys the main core of the judicial system , and the very possibility of appealing court decisions that have entered into force undermines the authority of the judicial system as a whole .

FORMATION OF SOVIET SOCIO-ECONOMIC DEVELOPMENT MODEL IN NORTHERN CAUCASUS REPUBLICS IN 1920-1930

Gutieva M. _ A. _

The article shows the trends and contradictions in the formation of the Soviet model of socio-economic development of the North Caucasus in the 1920-1930s, analyzed the efforts of the authorities to create in republics of centers of industry, cadres of technical and humanitarian intelligentsia, who contributed to socialist modernization region.

The article submits main trends and contradictions of the soviet development model of the North Caucasus during its formation in 1920-1930's and the analysis of the government's efforts aimed at creating industrial centers, technical and humanitarian staff in the regions.

Keywords: socio-economic policy, industrial development, industrial modernization, social mobility, national elites, training.

In an effort to create a new historical community of Soviet people the leaders of the party and government considered their main task artificial alignment of the level of socio-economic and cultural development of various regions of a multinational country. FROM based on the theory of Marxism-Leninism and the principles of the proletarian internationalism, the Bolsheviks tried to overcome the unthinkable ethnic, religious, linguistic, economic and sociocultural the diversity of the former imperial Russia [1].

After the end of the Civil War, Soviet practice in the field of nation-state building and national relations personified the realities of the state emerging from a state of severe crisis. Immediately after the defeat of the counter-revolutionary forces in the North Caucasus in February 1921, the All-Russian Central Executive Committee adopted a decree on the formation of the Autonomous Mountainous Republic, which determined the organizational principles of the national state structure mountain peoples: "To form an Autonomous Mountain Socialist The Soviet Republic as part of

the RSFSR, which includes the territory now occupied by Chechens, Ossetians, Ingush, Kabardians, Balkars and Karachays, and the Cossacks living between them and nonresident" [2].

In the early 1920s in the North Caucasus as a whole remained difficult social and political situation. The anti-Soviet actions of a part of the local population, morally and materially supported by various anti-Bolshevik forces, did not stop.

Soviet power was far from controlling the entire territory of the Caucasus, especially the mountainous regions of Chechnya and Dagestan. However, in these difficult conditions, the country's leadership decided about the need to implement important reforms in the field of the economy, social and cultural sphere.

The proclamation of a course towards the "alignment" of nations pursued the goal is to remove political and interethnic contradictions, to give a new impetus to social mobility, greatly boost the development of the entire region. The pace of economic development of the republics of the North Caucasus in the early 1920s. increased significantly in comparison with the prewar years and throughout the 1920s-1930s, they significantly exceeded the pace of development of the central regions of Russia. There was a constant increase in the volume of manufactured industrial products [3].

In March 1921, at the Tenth Congress of the RCP(b), the Second Program was adopted. party that declared the need to liquidate and the actual inequality of nations: "The task of the party is to help the working masses of non-Russian peoples catch up with central Russia that has gone ahead, to help them:

but) to develop and strengthen those operating in their native language - the court, administration, economic bodies, authorities, made up of local people; b) to develop a press, a school, a theater in their native language"[4]. To eliminate the actual inequality of nations, it was necessary help of the Russian proletariat. This assistance has taken the form of a number of practical measures to create centers of industry in the North Caucasus and to attract the local population for its development. It is noteworthy that the documents of the party and government of those years used an apt phrase "local population", and not "local proletariat", which had yet to be created in the national outskirts. A serious problem in the region was the lack of managers from number of local nationalities. In February 1924 A.I. Mikoyan noted that Ossetians and Ingush make up less than two percent of the leadership of the Mountain Autonomous Soviet Socialist Republic [5]. By the end of the 1920s - the beginning of the 1930s. to the party In the state apparatus of individual republics of the North Caucasus, representatives of indigenous nationalities accounted for no more than 30%

[6]. The main reason for this was the low level of cultural development of national regions, the predominance of the rural population, the presence of a class resistance of anti-Soviet elements. Despite the efforts power efforts, until the late 1930s. the share of the local technical intelligentsia was still insignificant. Newcomers prevailed specialists from the industrial centers of Russia and representatives of the Russian intelligentsia living in the North Caucasus [7].

By the mid 1920s. the level of industrial development of the North Caucasus lagged noticeably behind the all-Union. For example, in 1925-1926. in the USSR as a whole industry produced products based on per capita by 67 rubles 80 kopecks, and in Dagestan - by 15 rubles 60 kopecks (23% of the Union level) [8]. The development of local industry required serious funding from the center. The enterprises that existed in the North Caucasus were the main Thus, small and smallest establishments of a handicraft or semi-handicraft type, which employed 2-3 hired workers [9]. Almost 95% Chechen industry was concentrated in Grozny. If we exclude the enterprises of Grozneft, then in the rest of Chechnya, up to In 1927, there were only 7 small enterprises [10]. Financial subsidies from the center were supposed to turn the tide in a short time.

According to the budget of the North Caucasus region for the 1925-1926 business year expenses of national regions amounted to 10.5 million rubles, moreover, that the income from the economic activity of these same regions was equal to 2.8 million rubles [11]. Thus, state support was the main factor in the industrial development of the North Caucasus.

Some regions received up to 70-80% of investments from the Union budget. This made it possible to implement large industrial projects and build new businesses. In the 1920-1930s. in North Ossetia, Kabardino-Balkaria and In Karachay-Cherkessia, the training of workers of indigenous nationalities was carried out at an accelerated pace. Relying on local personnel during the first five-year plans, dozens of new industrial enterprises, brick factories, mills were built in these republics, the Nalchik hydroturbine plant, the Baksan hydroelectric power station, etc. were commissioned [12]. Successful development of local industry based on human resources Russian workers were considered by the leaders of the party and government as the main way to solve the national question in the region. Overcoming backwardness was supposed to contribute to the formation of a national proletariat, its education in the spirit of proletarian internationalism and devotion to the Soviet regime. Thus, the solution of economic problems in the region was closely connected with the strengthening of the Soviet statehood.

In the 1920-1930s. the republics of the North Caucasus were allocated significant funds for the restoration of crop areas. Grain and agricultural implements entered the region even against the backdrop of famine in the Volga region. Restoration of agriculture in the North Caucasus was seen by the Soviet leadership as a necessary condition for maintaining stability and progressive socio-economic development national republics. The solution of the land issue in the autonomous formations of the North Caucasus had its own characteristics. The authorities had to take into account the factors of national enmity on the basis of uneven feud division of land between the indigenous population, the peasantry and the Cossacks, which greatly hampered agrarian reforms.

An important feature of the North Caucasian region was the presence of called "small land societies", characteristic mainly of for Chechnya and Ingushetia. The land issue was particularly acute here. and directly influenced the political situation in the region.

In addition, a significant part of the population lived in rural areas, characterized by underdeveloped infrastructure. forced urbanization 1920-1930s pursued the goal of tearing off the population from traditional way of life [13].

If the ideology of internationalism and economic subsidies from the center contributed to the temporary stabilization of the situation in the region, then the policy of mass collectivization of peasant farms at the beginning The 1930s led to an aggravation of relations between the authorities and local communities. The implementation of hasty, ill-conceived measures that did not fully take into account local geographic, national, cultural and religious characteristics, economic experience and historical traditions of the peoples of the North Caucasus along with repression against wealthy part of the population auls and villages forcibly deported outside the republics. Soon, numerous excesses in the implementation of collectivization in the North Caucasian autonomies in the late 1920s. were revised, and in Chechnya and Ingushetia in fact canceled as premature.

The main priority of the social policy of the Soviet government on North Caucasus was to overcome class inequality, growth standard of living, organization of decent medical care for the population, elimination of illiteracy, formation of local scientific and teaching frames. Specialists from Russia opened general educational schools, paramedical courses, conducted archeological and ethnographic studies [14]. Significant assistance in preparation personnel for the industry of the national republics of the North Caucasus were provided by educational institutions of the Kuban and the Rostov region.

An active social policy corresponded to the new ideology of the state, since it made it possible to include the bulk of the mountain population in the process of socialist construction. Sphere expansion the use of the Russian language in the period under study was determined by the needs of the centralized state.

The inclusion of local residents, especially mountain youth, in the Soviet socio-economic system was hindered by tribal attitudes, the influence of the clergy, as well as the general low level of education and culture of the population. Measures to eradicate illiteracy often ran into active resistance from the conservative parts of mountain society. An attempt to recruit teachers from Muslim schools did not bring the expected effect. In separate villages local residents boycotted the study of the Russian language and other elements of culture incomprehensible to the highlanders [15]. The clergy inspired believers that teaching the Russian language was the desire of the authorities to Russify the highlanders, to influence the ethnic self-consciousness and historical memory of the people. The policy of "emancipation of women" met with a strong protest of the local population. victims of terrorist acts and mountain women leading an active public work. In 1932 alone, 32 social women were killed [16].

The Soviet government paid considerable attention to popularizing among the indigenous population of the autonomous republics the ongoing socio-economic policy [17]. Publication activated magazines and newspapers in the languages of the peoples of the North Caucasus. In addition to publishing Russian-language newspapers, in Karachayevo Circassia produced a mixed the newspaper Krasny Karachay, which published its materials in four languages: Russian, Circassian, Nogai and Abaza. The most important step in history of the North Caucasian peoples was the creation writing. The existence of unwritten languages was incompatible with the new cultural priorities [eighteen]. In addition to solving cultural problems, the spread of literacy simplified the work of ideological bodies. Soviet state in the North Caucasus region. The main task of the cultural and educational policy of the Soviet authorities in the region was to artificially equalize the level of education of the Russian and local population of the North Caucasus. IN as a result of the implementation of this course in a short period of time on at the regional level were formed, who did not have time to finally take shape in pre-revolutionary Russia, national elites, up to present, they are the spokesmen of the ethno-cultural originality of the North Caucasus. In general, the complex of socio-economic and cultural measures of the Bolsheviks strengthened the confidence of the peoples of the North Caucasus to Soviet power, contributed to the attraction of a significant part local residents to new forms of life. Features of the socio-economic policy of the Soviet government in the North Caucasus in the 1920s-

1930s. were determined, on the one hand, by the need to speed up the economic development of the North Caucasus and eliminate the backlog of this region from the central regions of the USSR, on the other hand, a course towards the creation of national-territorial autonomies in this region. At the same time, the ultimate goal of this policy was to strengthen unity of the young Soviet state and, most importantly, the formation of a new community of people - the Soviet people.

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