



Olga L. Dubovik

Book Review:

K.V. Agamirov

"Predictive problems of improving the legal system, lawmaking and the social mechanism of their legal implementation"

Moscow: Yurilitinform, 2016.-352 p.

The monograph consists of three chapters, conclusion remarks, six proposals that include proposals for improving legislation: on the fundamentals of the constitutional system; on the rights and freedoms of man and citizen; on business; in the field of the armed forces; norms of criminal, criminal procedure and penal enforcement legislation; in the information sphere (pp.297-309) and a bibliographic list, including 495 publications and 34 dissertations (pp.310-347). Such a structure is not entirely customary for monographs published in Russia: there is no introduction (preface) where the research objectives are usually announced and its relevance and the methodology chosen are justified, but there are practically significant applications intended both for the scientific community for discussion and evaluation, and for the legislator - for making law-making decisions.

The first chapter "Theoretical and practical aspects of the modernization of the legal system" includes three paragraphs (pp.3-59). The author reasonably consider that the future of the legal system is the central issue of forecasting in the theory and sociology of law and explores this problem at three levels studied on the 15-20 years period of time: 1.) strategies for the development of legislation and the legal system as a whole; 2.) specific branches and institutions; 3.) lawful behavior. In detail K.V. Agamirov analyzes the concept, features and role of legal forecasting, its levels and criteria, and concerning the criteria he points out the significance of the problem, its prospects and the availability of sufficient knowledge to investigate emerging issues (p.7). He believes that legal forecasting is the determining factor in the development of the legal system and pays much attention to methodology.

Further, in the same chapter, K.V. Agamirov considers the peculiarities of the legal system at the present stage, designed not only to close gaps in the implementation of public relations and to eliminate the shortcomings of existing normative legal acts, but also to develop faster than the rates of social development. "(P.45).

Finally, in the concluding part of Chapter 1, the author analyzes a completely new problem for traditional Russian jurisprudence, namely the use of geographic information systems as a new promising direction for improving the quality of legal regulation, citing a number of schemes and tables illustrating the situation.



In the second chapter, "Improving the law-making process - the condition for the progressive development of legislation" (pp. 60-237), which includes seven paragraphs, he is talking about more familiar topics: planning for short-, medium-, long-term legislative work, directions for the development of individual branches and legal institutions. Many considerations expressed by K.V. Agamirov, deserve discussion within the legal community and require the reaction of the legislator. As an example, his position on the issue of improving legislation in the field of environmental protection and nature management. He proceeds from the premise that "The prognostic model of environmental law is based on its very structure, based on the science of ecology" (p.170) and analyzes the paradigm shift and the stages of updating Russian legislation on environmental protection and nature management: the adoption of new federal environmental laws, Water, Forestry and Land Codes and other acts. Of considerable interest in this connection are the author's views on the concept of criticality and marginal capacity in the form of a draft law, rather than at the level of the concept, the concept of vulnerability, stability (p.174-177). Considering the problem of awareness of the population about the state of environment, K.V. Agamirov supports the long lobbied (but still not feasible) idea of adopting the Federal Law "On Environmental Information" (p.185-186). He makes a number of significant conclusions, in particular that:

- a) the prognostic model of environmental law includes an understanding of the sustainability of the environment along with a social totality, possibly implemented in a form of the transformation of international environmental law into Russian legislation.
- b) The globalization aspect of the environmental law of the Russian Federation can be realized in a case that the technical and technological requirements for the environment would be much higher than those of competitors (this creates an additional economic and political advantage);
- c) the punitive measures should not be toughened;
- d) The formation of a triad of codification norms-the Environmental c.) The globalization aspect of the environmental law of the Russian Federation can be realized provided that the technical and technological requirements for the environment are much higher than those of competitors (this creates an additional economic and political advantage);
- e) the measures of the punitive plan should not be toughened; etc.

The formation of a triad of codification norms-the Environmental, and Environmental Proceedings and Environmental Economic Codes (p.187-188) can be finalized by monitoring and controlling actions to create a sustainable system of environmental law. We must admit that these are really prognostic ideas, but unfortunately they were not accepted by the Russian legislator (the Russian Federation Environmental Code project was developed but rejected, unlike France and Sweden, which adopted environmental codes, but it is true that their example were not followed yet not only Russia, but also by other countries).

Not less significant and innovative are the evaluations and suggestions of K.V. Agamirov regarding the editing of other branches of Russian legislation, but they can not be analyzed within the framework of a review. It remains to recommend the reader to turn to the original source. and Environmental and Economic Codes (p.187-188) can be finalized by



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The final - third chapter is entitled as follows: "Increasing the social effectiveness of the mechanism for the implementation of law - the main factor in ensuring the lawful and prevention of deviant behavior" consists of three paragraphs, which analyze the characteristic features of legal behavior and its prediction, the mechanism for the formation of lawful behavior, the main preconditions for the prevention of deviant behavior (p.238-289). This problem has been thoroughly investigated by Soviet criminologists since the 1970s (VK Evirbum, AE Zhalinsky, VN Kudryavtsev and many others), but the author of the monograph under review managed, using the accumulated experience, to rethink it according to the assigned task - to take into account the prognostic aspect.

In conclusion (p.290-296) K.V. Agamirov clearly articulates his position. First, legal forecasting is a systematic study of the prospects for the development of legal phenomena and processes at certain levels of the strategy for the development of legislation and the legal system as a whole (first level), specific institutions and branches (second level), and legal behavior (third level). Secondly, the dialectical laws of development and interconnection of phenomena are the methodological basis of legal forecasting. Thirdly, the legal forecast, which has become a known subject of legal relations, the results of which he predicts, has a reverse effect on their behavior and decisions. Fourth, the legal forecast in the strongest degree depends on the completeness and reliability of data on the quantitative and qualitative characteristics of the forecasting object. Fifthly, legal forecasting always precedes legal planning. Sixth, the legislative provision of legal forecasting in Russia, is now completely absent. Seventh, legal forecasting serves not only as a vector of development of the theory of law as a whole, but also as a mechanism for identifying the possibility of optimizing the processes of the state government and the economic environment. These and other conclusions of K.V. Agamirov, of course, should be taken into account under the policy of the Russian Federation, as well as in the course of scientific research on the processes of law-making and law-realization.

Translation by T. Rednikova