Resume: The article substantiates the fact that the basic principles of organizing the institution of jury, set out in the “notes” of D.A. Rovinsky , S.I. Zarudny and N.A. Butskovskogo , were eventually put in about a nova Russian legislation on juries, becoming its conceptual basis, and themselves DA Rovinsky , S.I. Zarudny and N.A. Butskovsky played a key role in the theoretical substantiation and development of the idea of the necessity and feasibility of establishing a jury in Russia during the preparation of the judicial reform of 1864 .

Advanced principles and institutions underpinning domestic LAW s ARISING jury trial in 1864 g , determined not immediately -. The introduction of jury trials in the Russian Empire was preceded by a rather long and thorough legislative work. The Moscow provincial prosecutor D.A. Rovinsky , State Secretary of the State Council S.I. Zarudny and Chief Prosecutor of the General Meeting of the Moscow Departments of the Senate N.A. Butskovsky .

Developing the draft "Basic Provisions for the Transformation of the Judicial Branch in Russia" in 1862 as a program of judicial reform, lawyers did not mechanically borrow institutions from European countries, but selected those that corresponded to Russian reality. At the same time institutions Tran to have formed according to the country's traditions. Essential aspects of the court used transformations were estimated from theoretical and practical points of view. "Fathers" of the judicial reform were well aware that the jury a lot of enemies, so saw the primary task in its full Expl about Vania. Comprehensive arguments were presented in favor of a jury trial, including from the history of Russia. Pervosti e foam attention was paid to the historical method of proving particularly spo district structures to express the search for their origins in the distant and near past of the country.

Resume: The article is devoted to the issues of limiting the legal status of an individual in modern Russian society in connection with the need to ensure the internal and external security of the country. Human life and health are considered as socially significant categories that affect the state and standard of living in the

state. The regulation of public relations is presented as the most significant function of law, the implementation of which involves the establishment of norms of behavior that contribute to the progressive development of society. The author analyzes the meaning of legal guarantees of personal health and health of the population and the related legal obligations of citizens and other persons located on the territory of the Russian Federation. The essence of a criminologically significant factor in the spread of drug addiction for society is clearly demonstrated . Non-medical drug use is viewed as a socially dangerous factor. Restriction of freedom to dispose of one's somatic capabilities and satisfy needs, including allowing non-medical consumption of narcotic drugs, psychotropic substances or their analogues, is justified by the need to ensure public safety.

Annotation. The article discusses issues related to the combination of powers of election commissions of different levels, the relevance of which is due, inter alia, to the introduction of the Single Voting Day into Russian electoral legislation. A comparative analysis of points of view on the problem of delegating the powers of election commissions of municipalities to territorial election commissions and precinct election commissions, taking into account the practice of election campaigns, is carried out. During election campaigns in recent years in Russia, various schemes for combining their powers by election commissions are quite often practiced, which allows saving financial, material, and human resources. The practice of combining powers by election commissions of different levels is also found in foreign countries. In order to avoid duplication of powers of election commissions of municipalities and territorial election commissions within the same territorial unit at the level of urban districts and municipal districts, the author proposes an option to optimize the system of election commissions.

Annotation. The article examines the essence of coercion as a qualifying feature, the main forms of its manifestation as a method of committing a crime under Art. 141 of the Criminal Code of the Russian Federation, the thesis is put

forward about the inconsistency of the current edition of Art. 141 of the Criminal Code of the Russian Federation to the basic requirements of legal technology, which gives rise to problems of qualification of acts. To eliminate the shortcomings of the legal norm, it is proposed to reflect in Part 2 of Art. 141 of the Criminal Code of the Russian Federation, the main forms of coercion, such as violence, the threat of violence, destruction or damage to property or the threat of its destruction, the spread of knowingly false information about the victim and his relatives and others. This will make it possible to uniformly apply the studied rule of law in practice.

Abstract: in this article deals with the essence of the right of legislative initiative, forms of its realization in the Parliament of the Chechen Republic. The feasibility and validity of vesting certain subjects with such a right, their status have been analyzed. The proposals aimed at improving this institution of constitutional law have been formulated.

Annotation. This article is devoted to the consideration and comparison of the administrative-legal and criminological aspects of improving the activities of the subjects of the prevention of offenses. The article proposes to decriminalize a number of crimes currently related to crimes of minor gravity, the issue of introducing criminal liability of legal entities is solved, and the existing models of antimonopoly legislation are considered.

Resume: financial activity acts as a multifaceted phenomenon, on the one hand, it is a management activity in the field of finance, on the other hand, it is itself an object of managerial influence; financial law, the subject of regulation of which is the relations that develop in the process of financial activities, is the most important instrument of administrative influence on the part of public authorities; financial control is carried out at all stages of financial activity, it is inherent in it, since it is a manifestation of the corresponding function of finance; effective legal regulation of financial control should take into account that

it is a management tool and at the same time, the entities that exercise it also become controlled; financial control, which implements the function of social management, is not limited only to checking compliance with legislation, it is aimed at achieving, as a result of financial activities, general social goals and objectives.

Annotation. This article examines the main problems of legal regulation on the Internet, including: the distribution of extremist materials on the Internet; problems related to the protection of intellectual property rights on the Internet; problems of legal regulation of exclusive rights to a network address (domain name); protection of personal information; legal regulation of electronic commerce on the Internet; propaganda, illegal advertising of narcotic drugs and psychotropic substances; illegal distribution of pornographic materials on the Internet; defamation on the Internet; Internet fraud (Internet begging, online shopping fraud, fake websites, blocker programs , phishing).

The author highlights the reasons why offenses on the Internet are developing at a particularly fast pace, as well as a number of reasons associated with the complexity of legal regulation on the Internet.

The article notes the need to improve legislation that determines the legal status of the Internet, the rights and obligations of its users, as well as responsibility for offenses committed on the Internet.

Annotation. The article examines the peculiarities of the legal status of minors as participants in entrepreneurial legal relations. The work addresses the issue of the volume of legal capacity of a minor who is an individual entrepreneur. The current legislation allows you to engage in entrepreneurial activity from the age of 14. The implementation of entrepreneurial activity by minors who do not have full legal capacity causes a number of difficulties in practice and is not consistent with its essence. Entrepreneurial activity should be carried out only by those minor citizens who already have full legal capacity. In this regard, a number of amendments and additions to the legislation are proposed. So, as the basis for

emancipation in Art. 27 of the Civil Code of the Russian Federation should indicate not the implementation of entrepreneurial activity, but the intention of its implementation. Also, in the course of the study, the authors concluded that the participation of a minor in the activities of a legal entity, and even in such governing bodies as the board of directors (supervisory board) or directorate, cannot be considered as a type of entrepreneurial activity and, therefore, be the basis for emancipation.

Annotation. The article is devoted to the study of the place of analogy in the system of Russian civil law. The author substantiates the expediency of referring the analogy to the category of "legal institution". It is concluded that the analogy in civil law can be classified as a complex, mixed, material, general, regulatory and functional legal institution. A detailed description of each of the classifications is given. Based on the analysis of the institution of analogy, it was revealed that the analogy of law, along with the analogy of law, act as sub-institutions of analogy. Provide a single organizational basis for the legal assessment of circumstances not regulated by the rules of law. Despite the different internal content, they pursue a single goal - to overcome the legal gap.

Annotation. The article discusses the issues of the scope of the special law of the state ("golden share") with its participation in joint stock companies. The author puts forward the opinion that the “golden share” is an institution in which the interests of the state compete with the interests of the joint-stock company and society and other shareholders. This leads to the conclusion that it is necessary to clearly limit the scope of the "golden share".

On this basis, the author names five criteria by which the scope of the “golden share” is determined, including: the purpose of introducing the “golden share”, the subject of the “golden share”, the type of legal entity in respect of which the “golden share” was introduced, the size of the share (number of shares) in the authorized capital of the joint-stock company and the validity period of the "golden share".

Literary sources, provisions of the current legislation and law enforcement practice, as well as the experience of foreign legal order are analyzed.

The author calls for the need for a “soft” approach to the “golden share” institution, which is based on a fair balance and a reasonable combination of interests of the shareholder-state, other shareholders and the joint-stock company itself.

annotation

One of the main tasks in the context of the instability of the Russian economy is to preserve existing jobs and protect the labor rights of workers. The state must ensure that various organizations do not conceal the fact of the existence of labor relations, which are clothed in the form of a civil contract. The necessary measures have already been taken at the legislative level. So, from January 1, 2014, amendments to the Labor Code of the Russian Federation came into force, prohibiting the conclusion of civil contracts that actually regulate labor relations between an employee and an employer . But, unfortunately, the courts have not yet developed a uniform judicial practice on this issue, which contributes to the possibility of the employer leaving responsibility for violating not only labor laws, but also tax ones.

Abstract: A iberalizatsiya criminal policy must begin first and foremost with the assessment of the amount used repression. One of the main, relatively simple and at the same time very effective tools for such an audit is time, in its most common form in criminal law - time. The emergence of urgent punishments, firstly, was associated with the evolution of the goals of state punitive policy, including on the basis of measuring corrective action, and, as a result, armed the law enforcement officer with tools for adjusting the measure of such impact. Secondly, this predetermined the emergence of a number of institutions with a temporal nature: probation, parole, deferral, prescription, conviction.

In the theory of law, attempts were made to analyze together some of these institutions, while their conditional or non-punitive nature was taken as a basis . It was the last feature that allowed scientists to combine these measures into an

enlarged testing institute, which is currently being investigated exclusively at the theoretical level.

A slightly different approach to the analysis of a trial is based on taking into account its temporal nature, genetic connection with timing. A comprehensive study of the terms of probation within the framework of criminal law has not been carried out.

Annotation. The article discusses the issue of the relationship between motives and emotions in criminal law, gives a characteristic of various modern psychological theories of motives for committing human actions with the participation of an emotional component, evaluates the possibilities of their use in criminal law. The emotions of the individual and the motives of his actions cannot be differentiated according to the criterion of external or internal influence of the stimulus, this allows us to speak of their close interdependence. At the same time, by no means in all situations, feelings become a motivating force similar to a motive, they often act as a background emotional state of a person when committing illegal actions, and for many crimes they have no criminal law value at all. In the current circumstances, the need is ripe for comprehensive studies of the subjective side of crime and the psyche of the subject of criminal activity. It is advisable to appoint a forensic psychological examination in criminal cases of violent crimes, since it is these socially dangerous acts that are associated with a pronounced manifestation of emotional and psychological personality traits

Annotation. The article is devoted to the analysis of decisions of the European Court of Human Rights, which allowed the author to systematize violations of Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, admitted by the Russian courts of second instance, which did not allow the implementation of a fair trial in full, that is, negatively reflected on the adversarial nature of the process and the equality of the parties (the principle of equal opportunities for the parties in the process). Thus, a generalization of the

ECtHR jurisprudence on the interpretation of the provisions of paragraph 1, paragraph 3 of Art. 6 of the Convention allowed the author to identify specific circumstances of the hearing of criminal cases by Russian courts of second instance, which led to the violation of these provisions, as well as to arrange the revealed violations according to their prevalence, revealing systemic (structural) problems leading to a violation of Art. 6 of the Convention.

Resume: The article is devoted to the problems of notarial provision of evidence in electronic form, analysis of the procedure for securing evidence on the Internet, which are presented in the form of contextual advertising and creeping line. The author considered the principles of the functioning of the Internet and the placement of information in it, studied advertising posted on the network, and identified the problems of its fixation as evidence. Analyzing the requirements of regulatory legal acts for drawing up a protocol for examining evidence on the Internet, the author comes to the conclusion that the Methodological Recommendations for the performance of certain notarial acts by notaries of the Russian Federation require supplementation, since a notarial act has its own characteristics and cannot be recorded according to the same rules as and other types of evidence.

Annotation. The article examines the main provisions of the forensic characteristics of criminal violations of privacy committed on the Internet. It is noted that as the population becomes computerized and the availability of mass media grows, the number of such crimes is growing. An important role in the success of the fight against crime is played by the presence of a scientifically developed investigation methodology, the most important element of which is the forensic characterization of crimes. The elements of the forensic characteristics of the considered group of crimes are: the subject of the criminal encroachment, the methods of committing, information about the situation of the crimes, the instruments of the commission, the traces of the

crimes, the characteristics of the personality of the criminal and the victim, the motive and purpose of the crime.

Annotation. We consider the procedural form of use of special knowledge - an interpreter to participate in criminal proceedings in the investigation of crimes in general and in the area of illegal harvest (catch) of aquatic biological p e LAS committed with the use of foreign ships, in particular. The authors of rum analyzed the main opinions of scientists on the study of the legal status and soda p Jania procedural interpreter activity. The content of the definitions of the concept of "translator" used in Russian criminal proceedings is considered. Spd e Lena controversial aspects and prompted the author's vision of the problem. Knowledge of a foreign language translator needed to translate the participation in a criminal sudoproizvo d stve has signs of specific knowledge that makes it possible to recognize the Perevi d chica knowledgeable person in the field of linguistics. Interpreter with special knowledge and s and his participation in the criminal proceedings is a form of application expertise. Despite the similarity of the procedural position of the translator and the procedural position of the specialist, it is noted that the powers of the translator are broader than those of the specialist. At the same time, an analysis of investigative and judicial practice shows the importance of the participation of an interpreter in the investigation of illegal harvesting (catching) of aquatic biological resources committed using foreign sea vessels, confirming that the interpreter's testimony can be a means of establishing circumstances that are significant for a criminal case. We investigate the prospect of blemny question related to the regulation of criminal procedure LAW s stvom order translator participation at a confidential meeting of the suspect (the accused) and defender. In conclusion, the author made specific recommendations for improving the criminal procedural law, which would define the new possibilities of using special knowledge in the process of being investigated on Bani crimes and expand the range of use of evidence. It is proposed to introduced e of the relevant amendments to Part 2 of Article 74 "Evidence" and

Chapter 10, "Doc and zatelstva in criminal proceedings" of the Criminal Procedure Code of th Federation.

Annotation. The legislator in Part 1 of Art. 1 of the RF PEC sees the correction of convicts and the prevention of the commission of new crimes by both convicted persons and other persons as the desired results of the legal regulation of the execution of criminal punishments. Achieving these goals is the ideal social outcome of the criminal executive legislation.

The similarity of the goals of criminal executive legislation with the goals of criminal punishment by most researchers is explained by the fact that the Criminal Code of the Russian Federation is the basis and material base in relation to the PEC of the Russian Federation. Scientific disputes regarding the definition of the goals of the penal legislation are reduced either to their adjustment in accordance with Part 2 of Art. 43 of the Criminal Code of the Russian Federation, or replacing such a goal as correction with resocialization , social rehabilitation, social adaptation, etc.

The conclusion is made about the inadmissibility of unification of the goals of criminal punishment and criminal-executive legislation. Thus, the logical form of legislative technique is violated, since categories that are different in their legal nature cannot have similar goals.

The author's position on the definition and meaning of the goals of the criminal-executive legislation is given. According to the author, the goals of the penal legislation are: 1) effective functioning of the penal system; 2) streamlining of criminal-executive relations.

Annotation . This article highlights the issues of international cooperation between states in the field of direct taxation . The focus is on the OECD Model Convention for the Prevention of Double Taxation on Taxes on Income and Capital. The forms and boundaries of international cooperation on direct taxation are listed .

The article discusses the problems of information exchange for tax purposes, notes the development trends of legal regulation of information exchange in

international treaties. The author notes that the trend of the last decade is the growth of bilateral agreements on double taxation based on the OECD MC. Highlights the importance for the international integration of Russia in the proce ss of information exchange fact and the signing and ratification of the Russian joint Council of Europe and OECD Convention on Mutual Administrative Assistance in Tax Matters.

Resume: The article analyzes the structure of the mechanism for challenging decisions, actions (inaction) of the Eurasian Economic Commission in order to determine the order of its functioning.

As part of the study, the authors reveal vayutsya legal basis to challenge the mechanism of functioning of the decisions, actions (inaction) of the Eurasian Economic Commission, made the identification of its key components, such as : number of persons (applicants), eligible to challenge the relevant decisions, actions (inaction); applications ie a differentiated approach to challenging, depending on the categories of applicants; use of pre-trial dispute settlement procedure .

Based on the results of the study of the key components of the challenging mechanism, the author highlights some features of the procedure for the functioning of the mechanism under consideration, which can lead to possible negative consequences for business entities when exercising the right to challenge decisions, actions (inaction) of the Eurasian Economic Commission, as well as to the failure to provide an adequate guarantee of implementation. the specified right.

The author formulates proposals on the feasibility of the work on improvement of the mechanism appeal against the decisions, actions (inaction) of the Eurasian Economic Commission for the purpose of leveling I contradictions that may arise in law enforcement , as well as improving the effectiveness of this mechanism .

Annotation . The article is devoted to the peculiarities and novelties of the legal regulation of cross-border electronic commerce in the PRC. The author examines the economic foundations for regulating cross-border electronic commerce, it is noted that the PRC has not yet adopted a separate law on electronic commerce, despite the fact that there were plans to adopt such a law. The author also points out that the legal framework for e-commerce and e-commerce in general in China is not comprehensive and indicative, the regulations are often either vague or out of date. The sale of counterfeit, counterfeit products, substandard goods and infringement of intellectual property rights are widespread in the implementation of electronic commerce. The problem is further complicated by the lack of an effective dispute resolution mechanism in China.

Analyzing the regulatory novelties in solving the indicated problems, the author focuses on changes in the corporate and investment legislation of the PRC, requirements for foreign companies operating in the PRC. The article also pays attention to administrative, tax and legal novelties in the legislation of the PRC. Thus, the author separately analyzes such newest regulatory legal acts adopted in the PRC in 2016 as the Special Plan for the Development of Logistics in the Field of Electronic Commerce (2016-2020), Circular on Tax Policy Regarding Cross-Border Electronic Retail Trade in Imported Goods. , List of imported goods cross - border e-retail.

Annotation. The paper analyzes the issues of legal regulation of participation grams and Zhdanov public order at the municipal level. The authors examine how the federal legislation and the legislation of the Saratov region in the sph e re. Although in general the legal regulation of participation grams and Zhdanov public order estimated by them to the positive side , however, they note in the Saratov region of the law a number of gaps and, on this basis, formulate proposals for amendments and forth about the complements.

Abstract: The article is devoted to the market mechanism for reducing and stabilizing greenhouse gas emissions. Within the framework of the article, the features of the legal regulation of the existing international, national, regional systems of trading in quotas for greenhouse gas emissions into the atmospheric air are considered. Based on the official data published by the executive authorities that regulate emissions trading systems, a detailed analysis of the results of the implementation of trading systems is presented and a conclusion is made about their effectiveness. As a result of the work, recommendations are presented on the implementation of the emissions trading system by Russia.

Annotation. The article discusses the issue of the possibility and application of the provisions of paragraph 5 of Art. 334 of the Civil Code of the Russian Federation, providing for the emergence of the right of the pledgee in the presence of a ban on the disposal of property and the satisfaction of claims declared by the creditor, in order to ensure the execution of which a ban was imposed on the disposal of property, as well as general provisions on pledge , to the seizure of funds in the bank account of the debtor. A comparative analysis of the implementation of the rights of the pledgee in the seizure of funds and the pledge of rights under a bank account (deposit) agreement has been carried out .

Annotation. The article discusses the main legal and economic reasons why the pledge of rights under a bank account agreement is extremely limited in practice, including the reasons associated with the ambiguous legal nature of the pledge account, contradictions in the regulation of the mechanism for the implementation of the pledge of funds on the account, with the exception of this form collateral based on reserves for possible losses on loans and mandatory ratios of credit institutions, excluding funds in pledged accounts from the insurance system of individuals' deposits. It is also proposed to eliminate the indicated barriers by amending the Civil Code of the Russian Federation and other regulations, including regulations of the Bank of Russia.

Annotation. The author analyzes individual problems of banks' application of Art. Art. 358.9 - 358.14 GU RF. In practice, various difficulties arise depending on the types of collateral used for the rights to funds held in the collateral account: collateral for the entire amount of money in the account and collateral for a solid amount of money in the account. In particular, the author points out that it is unreasonable to preserve the pledge of the entire fixed amount of money in the same volume with partial fulfillment of the secured obligation, the possibility of abuse of the pledged account by the pledgor, etc.

ABSTRACT: In this article the actual teaching methods of legal disciplines: passive, active and interactive; their differentiation is carried out; the possibilities of conducting different types of classes in active and interactive forms, the formation of additional professional competencies (APC) are discussed. An illustration of the application of one method or another is presented through the prism of subjects of business and banking law, a generalization of methodological literature - on the basis of their approbation in the course of the author's pedagogical activity or his participation in the work of the Methodological Council.