Annotation. The article shows a specific court case, personally considered by Peter I and which served as the reason for the issuance of the decree on February 21, 1697, analyzes the changes introduced by subsequent decrees, boyar sentences and judicial practice. It revealed that complement - neniya and changes made after the decree of February 21, agreed with novel practices and Code of 1649 Decree of February 21, 1697 has not made a complete replacement of "trial and confrontations" old "Moscow ro - zyskom". Were abolished "court" and "confrontation" in the narrow sense (stages of the process). They were replaced on March 16, 1697 by the "interrogation", then supplemented by "evidence" (the parties spoke one more time after reading the claim and the defendant's objections). Judicial negotiation (stage of the process) returned to the usual order (the exchange of speeches between the parties), but already with the decisive influence of the judge and the limitation of the number of “speeches”. Such an assessment confirmed by the analysis of legislative texts LEGAL POSITION - cal terminology of the XVII century, the House of the texts of the Code of 1700-1703 biennium, the judicial practice of the late XVII -.. The beginning of the eighteenth century.

Annotation . The article is devoted to a number of special techniques that were used by the legislator in order to build the legal mechanisms of the institution of state crimes. The provisions of the 1903 Criminal Code are subject to research . In particular, chapters three and five of this legislative act are examined. The study of their norms makes it possible to identify a number of special techniques of scientific interest that are used by the legislator in legal regulation and building certain legal mechanisms . Such methods, techniques, in scientific literature, was the lot of ENO relatively little attention. For this reason, their study, the identification of the corresponding specificity and properties, the reduction of characteristics, as well as the assignment of names to them - meets the requirements of scientific novelty.

The article examines two special techniques used in the Criminal Code of 1903 . They were identified in the course of research and comparison of several

articles containing the wording of criminal offenses. He formulated the names: "absolutization of the gravity of the crime" and "assignment of a punishable status", which is a legal fiction.

Resume: This article is devoted to the consideration of the principles of law, their influence on the process of formation of law. The article analyzes the historical stages of the formation of the principles of law, correlates the principles of law and morality, examines the doctrinal concepts of the principles of law.

Annotation. The article provides a brief analysis of the new law on public-private partnership. Prediction of the possible legal consequences of the continuing state intervention in the economy is carried out. The dubiousness of the declared goals of the Russian legal policy is proved. From the standpoint of legal technique, it is pointed out that the legislator ignores the main criteria for the consistency of law and legislation.

Annotation. In the study, the author points out that as a result of active interaction and strengthening of the interrelationships of various branches of law when regulating homogeneous legal relations, as well as increasing differentiation of legal regulation of certain groups of relations within one branch of law, there is, on the one hand, a progressive development of branches of law, but on the other hand, for objective or subjective reasons, legal collisions arise , which negatively affect the effectiveness of legal regulation of social relations. In this regard, conflict norms of national law are necessary tools in the legal regulation of domestic relations , which provide an objective, fair, legal resolution of various types of legal conflicts. They perform the technical function of determining the priority rule in the event of conflicts between the legal rules governing homogeneous or similar legal relations. Due to the growing need of society in reforming legislation and an increase in the number of adopted normative legal acts, legal collisions are increasingly occurring. In this regard, in the conditions of the conflict of laws norms of law, various cases of contradiction of the norms of law and uniform principles and

methods of resolving, overcoming and eliminating these contradictions should be envisaged.

Annotation. The article reveals the concept and characteristics of the system, and also indicates the need to build a system of election commissions in the constituent entities of the Russian Federation, resistant to the impact of internal and external factors. The authors see the primary goal of the analysis in improving legislation to ensure adequate reflection of the will of the people in the results of elections (referendums) and other institutions of direct democracy in which election commissions take part. The article provides a constitutional and legal analysis of the system of election commissions in the constituent entities of the Russian Federation, makes proposals to improve legislation in this area, including by expanding the powers of election commissions of the constituent entities of the Russian Federation to monitor the observance of electoral rights and the right to participate in a referendum of citizens of the Russian Federation ... The authors consider election commissions as public authorities with a special status and cite a number of problematic issues that arise in practice and are related to the status of election commissions, in particular, with the special legal status of election commissions of municipalities.

Annotation. In recent years, the construction sector in the Russian Federation has undergone special, significant transformations - the institution of self-regulatory organizations was introduced, improved technical regulations and rules were developed, the legislator's approach to the system of protective legal relations has changed. As a result, the scientific, theoretical and practical approach to the mechanism of legal regulation of the construction industry has changed somewhat, which seems to us to be a complex complex process, partly related to the activities for the creation, expansion and improvement of new structures, buildings and other objects.

When committing offenses in the field of construction, the most common measure of administrative punishment is, perhaps, precisely the administrative suspension of activities, which, within the framework of the construction industry,

can act both as a measure of administrative prevention and a measure of administrative restraint. However, in proceedings on cases of administrative offenses in the field of construction, in legally defined cases, it becomes necessary to use security measures, among which such a measure as a temporary ban on activities is especially important and significant. Within the framework of this study, not only the essential problems of using this measure in practice are revealed, but also special attention is paid to possible ways of improving the mechanism of its practical application in the framework of offenses in the construction industry.

Resume: This article examines the social and legal aspects of corruption in modern Russian society. The author describes the main reasons that contributed to the growth of corruption in the system of social relations. The provisions of Russian normative legal acts on combating corruption, as well as legislation on educational, scientific and research activities, have been studied and critically analyzed. Listed are some provisions of the draft Strategy of scientific and technological development of the Russian Federation for the long term in the context of combating corruption in educational and scientific activities. The corruption manifestations in the higher educational and scientific institutions of the Russian Federation are stated. The article presents the concept and main types of corruption risks in scientific and educational activities. The author has consistently analyzed the most pressing issues of corruption prevention in the field of higher education and science. On the basis of the studied sources, conclusions and proposals are formulated aimed at minimizing corruption risks in the field of higher education and science.

Resume: The article examines the theoretical issues of the classification of the administrative law permitting system, analyzes the points of view of various authors on this issue, and elaborates the author's classification of permits in the field of communications.

Annotation. The article discusses the concept of a subject of law, in particular financial law, its main features and types. Various points of view of theoretical scholars who study the subject matter of financial law, highlighting its specific

features are analyzed. Particular attention is paid to the consideration of financial legal personality as a special type of legal personality . There are differentiated such concepts as the subject of financial law and the subject of financial legal relationship. In addition, the author's classification of subjects of financial law is given by analyzing the classifications set forth in the works of legal scholars-financiers: E.A. Rovinsky , O. N. Gorbunova, E.Yu. Gracheva, M.V. Karaseva, A.I. Khudyakova et al. The definition of "collective entity" and its types are separately characterized, specifics of the state, state bodies, courts, legal entities of various organizational and legal forms, including legal entities of public law, as subjects of financial legal relations. The author speaks about the emergence of special subjects of financial law, such as clusters and technological platforms, as well as the possibility of participating in financial legal relations through the implementation of the mechanism of public-private partnership.

Annotation. The article is devoted to topical issues of building a system of financial law, which are important not only theoretical, but also practical. A detailed analysis of research both on the general theory of law and financial and legal works is provided, as a result of which the elements of the system of financial law are identified. The legal institution is highlighted in the article as a primary legal community. The features that distinguish a legal institution from other communities of financial and legal norms are considered. The article indicates that legal institutions may include sub-institutions . As a structural element of the legal system, a sub-industry is also investigated , which differs from other legal communities by the presence in its composition of a general institution or association of general norms. The article draws attention to the allocation by representatives of financial and legal science of other communities of legal norms - parts and sections. On the basis of the analysis, it is concluded that such elements as part and section are used in the theory of law when characterizing the system of legislation to designate an element of the structure of a law, a legal act. The definition of the system of financial law is given. The author criticizes the "flexible" approach to

defining the system of financial law, which denies the need for a clear designation of the elements of the system of law.

Annotation. This article is devoted to the analysis of the problems of applying the principle of “pass-through taxation” when using the concept of beneficial owner of income. The article discusses the general rules for applying the principle of "transparency"; situations when a Russian organization paying passive income to a foreign person should act as a tax agent, and when not. The study showed that the Russian organization is a tax agent in relation to the Russian beneficial owner - an individual when paying any income, and to a legal entity only when transferring dividends. Also, the article discusses the special rules of "pass-through taxation" when paying dividends. Based on the study, the following important conclusion was made. If a foreign company - a resident of the country of agreement is not the beneficial owner of passive income received from Russia, since it transfers it to an offshore company, the Russian organization must withhold tax on income with a source in Russia at the general rates of the Tax Code of the Russian Federation - 20% or 15%, regardless of whether who is the ultimate shareholder (beneficiary) of the offshore company - a tax resident of a third state or the Russian Federation. This approach to a greater extent deprives Russian beneficiaries of tax incentives to create offshore companies and is correct than the interpretation in the letters of the Ministry of Finance of the Russian Federation, which allows ignoring all intermediate foreign (offshore) structures up to the ultimate beneficiary - a resident of the Russian Federation.

Annotation . The author touches upon the problem of the relationship between the fate of the building and the land plot on which it was erected. He analyzes the process of the formation of the principle of superficies solo cedit in Russian law: the unity of fate, the elements of a single object that have developed in practice. The main conclusion is that this principle is only partially accepted by the domestic legal order. The article also examines the main changes regarding this process that will take place within the framework of the real law reform, and

proposes individual improvements to the new provisions that would contribute to the further development of this principle.

The principle of superficies solo cedit , the final result should lead to thingish unity of land and objects strongly associated with it. The author concludes that this process has already been completed for a number of objects . The main problem today, according to the author, is the completion of this process in relation to buildings.

Annotation. On the basis of an analysis of the norms of bankruptcy legislation, as well as materials of judicial and arbitration practice, the author concludes that it is necessary to carry out preventive and restorative bankruptcy procedures in order to prevent massive bankruptcies. A special role in solving this problem is assigned to the arbitration court.

Annotation. The article analyzes the possibility of recognizing the prejudicial significance of judicial decisions in cases of administrative offenses in the arbitration process. The use of the prejudice of such decisions is due to procedural economy. At the same time, it is pointed out that there is a difference in the legal regulation of the procedure for bringing to administrative responsibility in courts of general jurisdiction and arbitration courts. If in the courts of general jurisdiction this activity cannot be called justice, since the principles of adversariality and objective truth do not operate there, then the arbitration courts subsidiaryly apply the general rules of claim proceedings, due to which the shortcomings of the proceedings under the Code of Administrative Offenses of the Russian Federation are eliminated. The proceedings regulated by the Code of Administrative Offenses of the Russian Federation do not meet the requirements of justice, which does not allow recognizing the prejudicial significance of judicial decisions adopted within the framework of this proceeding. The norms of the APC RF, in turn, extend to the procedure for bringing to administrative responsibility the general principles of justice: competition and the principle of objective truth. For this reason, the arbitration courts recognize the prejudicial value exclusively for judicial decisions in cases of administrative offenses issued by the arbitration courts, and they deny

the precedence of similar decisions of the courts of general jurisdiction. The author substantiates the impossibility of applying the analogy of the law in terms of granting court decisions in cases of administrative offenses adopted by the courts of general jurisdiction, and analyzes the judicial practice.

Annotation. The article is devoted to identifying the types of potential participants (subjects) of cross-border copyright relations and their classification as authors and other rightholders (successors). On the basis of basic international agreements - the Berne Convention for the Protection of Literary and Artistic Works of 1886 and the Universal Convention for the Protection of Copyright 1952 , the regulation of the issue of the legal personality of individuals and legal entities from the point of view of the possibility of their participation in cross-border copyright relations in as authors and other copyright holders. The possibility of individuals and legal entities having the status of an author and copyright holder in accordance with the national copyright law of the Russian Federation and the law of some foreign countries (Great Britain, Germany, USA, etc.) has been investigated . The features of the status of holders of rights to works of folklore on the basis of legal regulation in a number of developing countries (Ghana, Tunisia, Bolivia, Chile, Morocco, Algeria, Senegal, Kenya, Mali, Burundi, Cote d'Ivoire, Iran, Barbados, Indonesia, Nigeria and others) and some developed countries (Canada, Cyprus, Sri Lanka). It was concluded that despite the fact that in the Civil Code of the Russian Federation the author's status is legally assigned only to individuals, due to the origin of authorship earlier on the basis of legal norms that have now lost their force, and also due to the ambiguity of the interpretation of a number of norms in the current legislation, in fact, in the Russian Federation, both individuals and legal entities can have the status of an author. It was also concluded that due to the peculiarities of the convention and national legal regulation in different states, in general, the status of the author can be assigned in individual states both exclusively to individuals and to individuals and legal entities, which must be taken into account when qualifying authorship in relation to to cross-border copyright relations.

Resume: The article deals with some problems of legal regulation of relations between trade unions and employers. Aspects of internal relations in trade unions as corporations are touched upon, it is concluded that the right to members of trade unions to challenge decisions of trade union bodies in cases stipulated by law, in particular, in violation of workers' rights. Taking into account the public law nature of collective agreements, the possibility of challenging the provisions of collective agreements that violate the rights of third parties is substantiated. The proposal of T. A. Soshnikova on securing the right of trade union bodies to appear in court in defense of the rights and freedoms of trade union members is supported. In connection with the expansion of the scope of employment of workers temporarily assigned to other persons under contracts for the provision of personnel, the necessity of extending the provisions of the collective agreement to this category of workers is substantiated in order to prevent infringement of their rights.

Annotation. Corrupt crime was formed together with society, the root of the emergence of such a social phenomenon as corruption and , in our opinion, was laid in primitive society. An analysis of scientific literature on a given topic allowed us to come to a logical conclusion that the emergence of corruption is associated with the pagan beliefs of our ancestors, who believed in the forces of nature and tried to appease the Gods, on whom, in their opinion, they were dependent. People brought sacrifices to the gods, peculiar gifts. With the development of society , the first ministers of the cult appeared from the tal - shamans, healers, people who were considered "close to the Gods", as a result of which they also began to receive various signs of attention in the form of gifts. The author analyzes historical documents confirming the existence of corruption, its emergence and development

Resume: Based on the criminal cases considered by the courts, the paper draws a conclusion about the ambiguity of the approach of law enforcement agencies and courts to the qualification of acts under Art. 238 of the Criminal Code of the Russian Federation. In order to eliminate the revealed contradictions in law enforcement practice, the author has identified the signs of goods (works, services)

that do not meet the requirements of the safety of life and health of consumers, within the framework of the analyzed norm. In the course of the study, the characteristics of the subject of the crime were specified In Art. 238 of the Criminal Code of the Russian Federation provides for criminal liability for the sale of goods (works, services) that do not meet the safety requirements of consumers, and not purchasers. As a result, the facts of the sale of goods (works, services) to other persons who are not consumers by virtue of the law are within the framework of the criminal-legal protection of the analyzed norm. The author substantiates the criteria for differentiating the crime under Art. 238 CC RF, with adjacent mi composition s (st.st . 109.118, 293 CC RF) and administrative bubbled tort s (v. V. 6.3, 14.43 Administrative Code).

Annotation. The article examines the current problem of “negative reform” of the Russian criminal law through the implementation of the provisions of international treaties binding on Russia. On the example of Russia's membership in the Council of Europe, specific examples of the influence of international law on domestic criminal law policy are described and identifies several main directions of this influence.

In the modern doctrine, there is a clear position on the need to limit the implementation of the provisions of international treaties in Russian criminal law. At the same time, it is obvious that a complete refusal to cooperate with the international community will significantly damage Russia's foreign policy, which does not allow finding the only correct, clear and universal solution to the problem of the negative impact of international law on Russia's criminal policy.

Based on the study and generalization of the main philosophical concepts, as well as the positions of the criminal law doctrine, the article proposes a method that allows, in the author's opinion, to control the observance of the necessary balance between Russian interests and the prescriptions of international law. The author proposes to use the category of "scientific paradigms of criminal law", which, in his opinion, have ensured and ensure the relative stability of the Russian criminal law

for many decades. The article describes the concept of scientific paradigms of criminal law, their main functions, as well as examples of the impact on the criminal policy of Russia.

Annotation. Judicial control over the activities of the preliminary investigation bodies is an integral part of the rule of law and civil society. The provisions enshrined in the Constitution of the Russian Federation that do not allow restricting the constitutional rights and freedoms of citizens without an appropriate court decision are an essential guarantee of the observance of the rights and legitimate interests of persons involved in the orbit of criminal proceedings.

At the same time, insufficient legislative regulation of the procedural form of the activity of the court within the framework of control proceedings casts doubt on its effectiveness. One of the controversial issues requiring an early legislative resolution is the right of the head of the investigative body to appeal against interim court decisions in pre-trial proceedings.

The author comes to the conclusion that the current legal regulation makes it possible to ascertain the change in the functional purpose of the powerful participants in the criminal process in judicial control proceedings, the formation of procedural independence of the investigative body, which predetermines the need for legislative consolidation of the right of the head of the investigative body to make an appeal, and the head of a higher investigative body - cassation submission to court decisions made on the basis of the results of judicial control proceedings.

Annotation. In pursuance of the “Justice” State Program, the Ministry of Justice of the Russian Federation has developed a Concept for the Regulation of the Professional Legal Aid Market. The concept was supported by the Federal Chamber of Lawyers of Russia. The concept is actively criticized by the wider legal community: it received a lot of negative feedback from interested parties, as a result of which the Government of the Russian Federation did not approve it. The concept involved the implementation of such ideas as: a lawyer's monopoly on

legal representation in all types of legal proceedings, a lawyer's monopoly on the provision of paid legal assistance, the commercialization of the legal profession through the implementation of market mechanisms in the organization of advocacy. This article is devoted to the scientific analysis of the situation . th of this Concept, as well as the State Program "Justice"

Annotation. The article examines the conflict model "terrorism - the state" of the period of the second half of the 19th - early 20th centuries from the point of view of applying cognitive methods to it. The question of the facultativeness of methods attracted from outside in relation to the methodology of jurisprudence is considered. The article presents an analysis of the application of the system-structural method, which contributes to the consideration of the problem of the conflict relationship between terrorism and the state, as well as the study of the phenomenon of the integrity of terrorist activity. Among the existing decision-making methods, the decision tree method and the minimax method are highlighted, which have found application in the study of the indicated conflict model and contributed to the determination of the optimal combination of theoretical legal developments with the practice of law enforcement at a specific historical period. Attention is focused on preventing the possibility of introducing the factor of chance into the formation of legal norms regulating public relations related to countering terrorist manifestations. Special attention is paid to the use of the method of constructing a model of a reflective system used in the theory of reflexive control.

Annotation. This article provides information about the object under study and research papers devoted to problems of forensic am and the issues relating to mobile communication devices. The content of private forensic doctrines, their place in the theory of forensic science are investigated. The concepts of individual private forensic doctrines are considered. The author's definition of the forensic doctrine about the means of cellular communication is presented. The object and subject of private forensic doctrine is investigated as part of the general theory of forensic science. A content analysis of forensic doctrines - of vehicles of the skills and habits of the person, the organization of criminal investigation, on the expertise of

knowledgeable persons on the Use IAOD AI computer information and means of GRAIN t ki. The concept of the object and subject of the forensic doctrine about the means of cellular communication is proposed. Based on the analysis of the systems of private forensic doctrines, a system of forensic doctrine about cellular communications has been developed, consisting of a general and a special part, each of which contains certain constituent elements.

Resume: The article describes the trafficking of women and children from two positions - for the exploitation of their labor as a form of slavery and the exploitation of prostitution of these categories of the population by third parties; analyzes international legal documents aimed at combating trafficking in women and children for the purpose of their sexual exploitation (in particular, the International Convention for the Suppression of Traffic in Women 1910, the Geneva Convention for the Prohibition of the Traffic in Women and Children of 1921, the Convention for the Suppression of Trafficking in Persons and exploitation of prostitution by third parties, 1949, Optional Protocol to the 1989 UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography , Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementary 2000 United Nations Convention against Transnational Organized Crime); the concept of "child prostitution" is given, the reasons for the trafficking of women and children for the purpose of their sexual exploitation are considered as crimes of an international nature, belonging to the category of crimes that infringe on personal human rights.

Annotation. *The article examines from a critical standpoint the content of the concept of "international double taxation" and raises the question of the legality of its use in the science of international economic and international tax law.*

Resume: in the presented article, the author examines the features of labor regulation of employees who have entered into an employment contract for a period of up to two months. These features, according to the author, are manifested when concluding and terminating an employment contract, as well as when an employee

performs work stipulated by the contract. The author believes that in connection with the aggravated crisis phenomena in the economy and an increase in the number of unemployed citizens, contracts of this order will be concluded more often, which means that it is necessary to comply with the guarantees for such short-term contracts established by the legislation for employees.

Annotation. Attempts to internationally unify the provisions on forfeit with varying degrees of success have been undertaken for a long time. However, their success has always been hampered by a number of objective factors. Formed in various legal systems approaches to understanding the penalty gave rise to antagonistic contradictions. As a result, there is no unified legal act that regulates these legal relations. The idea of unification in this area can be promoted by a reassessment in Anglo-Saxon law of the attitude towards pre-agreed amounts in case of non-performance of the contract. Changes to the regulation of the institution of forecasted damages and the anti-forfeit rule in Anglo-Saxon law are long overdue. English case law, through the decisions of the Supreme Court of 05.11.2015, significantly changes the interpretation of provisions that have remained unchanged for centuries. Penalty tests, widely criticized in the literature, go down in history. In their place comes a new approach, which considers a fixed amount in the light of its adequacy to the actual losses of the party to the contract. As a result of the analysis of the decisions of the Supreme Court of England, the author draws a number of conclusions. The law of England, influenced by criticism, took a course towards narrowing the application of the rule against forfeit. The example of the English approach as a "locomotive" can be followed by other countries of the Anglo-Saxon legal system. When comparing the updated approach of the Supreme Court of England and the Uniform Rules concerning contractual clauses on the agreed amount due in case of default, developed by the UN Commission on International Trade Law in 1983, the author concludes that there are no fatal contradictions. With the further movement of the Anglo-Saxon system of law in the direction of

narrowing the application of the rule against forfeit, the prospect of adopting and ratifying unified uniform rules regarding forfeit becomes real.

Annotation. The article analyzes the main trends associated with the development of the science of financial law. The paper presents the main statistical data related to the preparation and defense of candidate and doctoral dissertations in the specialty 12.00.04 - financial law; tax law; budgetary law.