

Arzumanova Lana Lvovna, No. 1 2017

Results of the VI Moscow Legal Week (XI Kutafin Readings and XVII Annual International Scientific and Practical Conference of the Law Faculty of Lomonosov Moscow State University)

Annotation. The article highlights the main reports that became the subject of discussion within the framework of the plenary session of the VI Moscow Legal Week, held at the venues of the Moscow State University named after M.V. Lomonosov and Kutafin Moscow State Law University (Moscow State Law Academy)

A. M. Osavelyuk , V. V. Nevinsky, No. 1 2017

Personal rights and freedoms in the modern world: problems of constitutional and international legal support

Annotation. The article provides an analytical review of the results of the work of the section "Constitutional and legal problems of ensuring the rights and freedoms of the individual in the modern world" and the round table " Bygone era and new tasks of constitutionalism ", conducted by the Department of Constitutional and Municipal Law of the University named after O. Ye. Kutafin (Moscow State Law Academy) within the framework of the III Moscow Legal Forum and the X I International Scientific and Practical Conference (Kutafin Readings).

Krylov Konstantin Davydovich, No. 1 2017

Issues of realization of the rights and freedoms of the individual in the sphere of labor and social security

Annotation. The article highlights the results of a scientific discussion of topical issues of the realization of individual rights and freedoms in the sphere of labor and social security based on the materials of the joint XVII International Scientific and Practical Conference of the Law Faculty of M.V. Lomonosov and the

XI International Scientific and Practical Conference "Kutafin Readings" of the O.E. Kutafina (Moscow State Law Academy) .

Chernykh Irina Ilyinichna , No. 1 2017

Implementation of the right to judicial protection in civil and administrative proceedings (results of the work of the civil procedure section)

Annotation. The article provides an overview of the meeting of the section of civil procedure in the framework of the XVII Annual International Scientific and Practical Conference of the Faculty of Law of the Moscow State University named after M.V. Lomonosov and the XI International Scientific and Practical Conference "Kutafin Readings" of the O.E. Kutafina (Moscow State Law Academy) "Ensuring human rights and freedoms in the modern world . " Highlights of the reports of the participants small meeting - tion, which related to different areas of civil procedure science in modern conditions.

Poduzova Ekaterina Borisovna, No. 1 2017

Round table "Novels of judicial practice on issues of civil liability" (November 30, 2016 within the framework of the VI Moscow Legal Week): a review of speeches (together with congratulations to the acting head of the Department of Civil Law, Doctor of Law, Professor E.E.Bogdanova to the staff of the O.E. Kutafin University (MSLA))

Annotation. The article presents the main provisions of the reform of civil law and legislation of the Russian Federation in relation to civil liability as the central theme of the Round Table "Novels of judicial practice on civil liability", which took place on November 30, 2016 within the framework of the VI Moscow Legal Week.

Bekin Alexander Valerievich, Kozyreva Anna Borisovna , No. 1 2017

Essay of the round table of the section “Theories of State and Law” on the topic “The role of the state in ensuring the rights of the individual: Russian and foreign experience”, organized on the basis of the Kutafin readings on the topic “Ensuring human rights and freedoms in the modern world” of the O.E. Kutafin (Moscow State Law Academy) and the Faculty of Law of the Moscow State University named after M.V. Lomonosov

Annotation. The article provides an overview of the conducted within the framework of the XVII Annual International Scientific and Practical Conference of the Law Faculty of the Moscow State University named after M.V. Lomonosov and the XI International Scientific and Practical Conference "Kutafin Readings" of the O.E. Kutafina (Moscow State Law Academy) "Ensuring human rights and freedoms in the modern world" round table of the section "Theories of state and law" on the topic "The role of the state in ensuring individual rights: Russian and foreign experience . "

Sitnik Alexander Alexandrovich, No. 1 2017

"Public finance as a mechanism for ensuring human rights and freedoms": an overview of the meeting of the section of financial law (November 23 - 24, 2016, Moscow)

Annotation. The article provides an overview of the meeting of the section of financial law in the framework of the XVII Annual International Scientific and Practical Conference of the Faculty of Law of the Moscow State University named after M.V. Lomonosov and the XI International Scientific and Practical Conference "Kutafin Readings" of the O.E. Kutafina (Moscow State Law Academy) "Ensuring human rights and freedoms in the modern world."

Nikolay Sokolov , No. 1 2017

The opinion of lawyers on the factors for achieving success, well-being in life

Annotation. This article, based on the application of sociological research methods, provides information about the opinion of representatives of various legal professions about the factors that contribute to the achievement of professional success. The information presented is the result of a survey of 1200 lawyers with different experience, gender, and professional field of activity.

Egorov Alexander Alexandrovich , No. 1 2017

The system of religious crimes according to the Code of Penal and Correctional Punishments 1845

Annotation. The article examines the system of religious crimes in the context of the 1845 Code of Criminal and Correctional Punishments as a monument of law, marking the development of legislation and law enforcement practice of the pre-Soviet stage of development of our state. The differences between this group of acts and encroachments on faith, enshrined in the Cathedral Code of 1649 and the Military Article of 1715, are highlighted, generalizing conclusions are formulated.

Gunich Sergey Vladimirovich , No. 1 2017

On the issue of understanding the system of public authorities and local self-government bodies in the field of constitutional and legal regulation

Resume: *The* article examines the issues of modern constitutional and legal regulation of building a system of public authorities. The analysis of the concepts used in the legislation is carried out. On the basis of correlating the principles of organization of these bodies with the legal and organizational foundations of the system of state and municipal service in the Russian Federation, categories of bodies and positions are distinguished that reveal the system and structure of public authorities and local self-government bodies in Russia.

Savoskin Alexander Vladimirovich , No. 1 2017

Pre-registration for a personal appointment (constitutional and legal analysis)

Annotation. The article analyzes the legal institution of preliminary registration as an element of the personal appointment procedure. The article examines the legal acts on the preliminary registration of various authorities (not only the executive): its binding, requirements for the content of the application for personal admission, the rules for responding to the application for preliminary registration.

Based on the results of the analysis, the following main conclusions were formulated. 1. At the moment, preliminary registration is actively used and demanded by the population, but is not provided for in any federal law, and its regulation is carried out by separate departmental acts. 2. A request for a preliminary appointment for a personal appointment is actually a special kind of applications, and, accordingly, should be considered in accordance with the rules of the Federal Law "On the Procedure for Considering Applications of Citizens of the Russian Federation", however, this is inappropriate, since it unnecessarily bureaucratizes and formalizes the preliminary appointment procedure. 3. It is necessary to secure a preliminary entry in the federal law as a special type of application, which implies a simplified procedure for its consideration and response (in the form of notification of the place and time of personal reception by phone, e-mail or SMS). 4. A tendency has been revealed to use pre-registration as a way to complicate the procedure for personal admission, for example, fixing a pre-appointment as a mandatory (and not an alternative) condition for personal admission, or establishing an excessive mandatory content of information provided during an appointment. Accordingly, it was concluded that it is necessary to legislatively consolidate the dispositive nature of the preliminary appointment, in which the citizen will retain the right to receive personal appointments without prior appointment, that is, on a first-come, first-served basis.

Salomatin Alexander Alekseevich , No. 1 2017

Competitive selection as an opportunity for citizens to have equal access to municipal service

Annotation. This article examines the problems of ensuring equal access of citizens to municipal service through competitive selection. Prior to the vacancy of municipal services in the municipality conclusion of an employment contract may be preceded by a contest in which the assessment of the professional level of applicants for the position of municipal service, they meet the qualification requirements for positions of municipal service.

The analysis of scientific literature and the legal framework made it possible to highlight the positive and negative aspects of the competitive selection, to assess the current state of this mechanism, which will further determine the ways of its improvement.

Bakurova Natalia Nikolaevna , No. 1 2017

Registration in enforcement proceedings

Annotation . The Federal Bailiff Service is the subject of the administrative process. This state body carries out the execution of judicial and other acts of bodies and officials. The form of this kind of activity of a state body is called enforcement proceedings, which in its essence is administrative and jurisdictional. At the same time, in the process of enforcement proceedings, registration proceedings are carried out - an optional type of activity of the FSSP of Russia. The author classifies registration proceedings related to enforcement proceedings on various grounds and comes to the conclusion that the specificity of registration proceedings as a type of administrative and procedural activity of the Federal Bailiff Service is the relationship and interdependence of enforcement proceedings with registration activities.

Machekhin Victor Alexandrovich, Marshankulova Olga Sergeevna , No. 1 2017

Tackling the Misuse of Double Taxation Treaty Benefits in Pillar 6 of the BEPS Plan

Annotation. The article examines the content of the Organization for Economic Cooperation and Development (OECD) Report on Combating the Misuse of Benefits Provided by Double Taxation Treaties. This Report is the result of work in the 6th direction of the BEPS Plan and contains recommendations for the implementation by states of additional anti-evasive rules (limitation of benefits, test of the main goal).

Moshkova Daria Mikhailovna , No. 1 2017

Financial control over the spending of funds by educational and scientific organizations

Annotation. The article examines the procedure for financial control over the activities of educational and scientific organizations by the state. Thus, it is emphasized that in the field of education and science, state programs are being implemented, for the implementation of which more budgetary funds are allocated. Thus, the author points to the need for state financial control over targeted and efficient spending of budget funds in the context of program-targeted budget execution, revealing the features of state financial control of state programs. In addition, issues of financial control of educational and scientific organizations, in particular those operating in this area in the form of state institutions, are considered. Based on this, the specifics of the financial activities of budgetary, autonomous and state institutions and their control are highlighted. Particular attention is paid to the analysis of the RF Budget Code, where the author proposes to consolidate the legal definition of budget control. In addition, the author's definition of budgetary control in the sphere of education and science is given, terms such as financial control and financial monitoring are distinguished.

Zaitsev Mikhail Mikhailovich, No. 1 2017

Theoretical foundations of the model of fiscal federalism in the Russian Federation: essence, principles, genesis

Annotation. The article analyzes the distinctive features of the modern stage of development of financial relations in the Russian Federation, which is directly related to the vector of formation of the model of federalism, the key and system-forming role of which as a set of constitutional and legal principles and norms of the federal state structure, is currently of paramount importance for interbudgetary and tax relationship. The author believes that the key factor in the formation of relationships between the federal budget, the budgets of the constituent entities of the Russian Federation and local budgets, the financial capabilities of the corresponding levels of government is their economic stimulation through gratuitous receipts, non-tax and, mainly, tax revenues, which is characterized by vertical and horizontal balance in terms of the volume of liabilities and tax potential, as well as control over the legal and appropriate use of monetary resources.

The study made it possible to propose the author's definition of fiscal federalism as a group of legal norms regulating a specific type of public law relations, which reflect the interaction of public and private finances in terms of the accumulation, distribution and use of mainly tax revenues and delimitation of expenditure obligations between elements of the budget system and the corresponding levels of public authority. This conclusion is due to an analysis of the set of significant taxation conditions established in the Russian Federation, as well as characteristic features and distinctive features from the point of view of an approach to federalism as a certain system of political, legal, budgetary, economic and socio-cultural features of the functioning of a federal state.

Tasalov Philip Artemievich , No. 1 2017

The practice of the Supreme Court of the Russian Federation in the field of public procurement: towards the formation of uniform approaches to the application of legislation on the contract system

Annotation. The article is devoted to the analysis of the practice of the Supreme Court of the Russian Federation in the field of application of the legislation of the Russian Federation on the contractual system in the field of procurement.

The article is based on the analysis of the legal reasoning of customers, suppliers and control bodies in disputes within the framework of the contract system.

Special attention is paid to the practice of preparing technical specifications by customers in terms of the description of the procurement object.

The paper shows the controversial issues of the relationship between contract enforcement and anti-dumping measures, provides examples of court cases on the admissibility of using trademarks in procurement documentation.

The article presents a critical analysis of the practice of the Supreme Court of the Russian Federation on the application of measures of responsibility by the operator of an electronic platform to procurement participants.

Based on the analysis of judicial practice, practical conclusions and recommendations were formulated, aimed at the formation of unified approaches to the application of the legislation of the Russian Federation on the contractual system in the field of procurement.

Borisova Lilia Vladimirovna , No. 1 2017

On the problem of legislative regulation of the turnover of objects of civil rights in the context of the reform of the Civil Code of the Russian Federation

Annotation. The article highlights and analyzes certain problems of legislative regulation of the turnover of objects of civil rights. Attention is drawn to the shortcomings of the legislative technique, admitted in the formulation of Art. 129 of the Civil Code of the Russian Federation, its incompleteness and contradiction with the relevant rules of special legislation. In particular, the difference in the content of the term "negotiability" in this norm and other legislative acts is noted, the need to expand the criterion for limiting the circulability of objects of civil rights in transactions with special permission is shown. The author offers possible options

for resolving these problems and contradictions. Critical remarks were made regarding the exclusion from the content of Art. 129 of the Civil Code of the Russian Federation of rules on the circulation of objects withdrawn from circulation, which by virtue of the Federal Law of July 2, 2013 No. 142-FZ "On Amending Subsection 3 of Section I of Part One of the Civil Code of the Russian Federation" are recognized as restricted in circulation . In this regard, it is proposed to legislatively distinguish a non-negotiable group of objects, which, according to the author, can be divided into three categories: non-negotiable objects due to their inherent natural properties, instructions of the law, or an inextricable connection with a certain participant in civil turnover.

The article can be useful for researchers, teachers, graduate students, undergraduates, law students, as well as anyone interested in the problems of civil law.

Klimovich Maxim Alexandrovich , No. 1 2017

Documents in administrative proceedings

Annotation. An analysis of procedural codes that touch upon the issues of proof in administrative proceedings shows that the content of the category “document” is not unambiguous. The relevance of this issue is manifested in the absence of uniform approaches to the requirements for the execution and assessment of certain documents, which undoubtedly affects the process of proving and establishing the truth in the case under consideration by the court.

To solve this problem, the article gives a definition of a document, reveals its nature as a generic concept for certain types of evidence, reflects the manifestation of the essential features of a document and the possibility of their assessment.

Permyakov Anton Viktorovich , No. 1 2017

Corporate Governance: Balancing Imperative and Dispositive

Annotation . The article is devoted to the analysis of some provisions of the Civil Code of the Russian Federation concerning corporate governance. The author

notes the generally balanced approach of the legislator to the legal regulation of corporate relations, which, in particular, manifests itself in the consistent strengthening and weakening of imperative principles in the point regulation of issues related to the issue under consideration . At the same time, the well-balanced position of the legislator did not exclude the presence of different interpretations by law enforcement officials of the same provisions of the legislation. In practice, this has led to the formation of opposite legal positions of judicial and non-judicial law enforcement bodies in terms of the procedure for certifying decisions of meetings of business entities. The causality of the difference in law enforcement approaches stems from different methods of interpreting law and its understanding in general. Overcoming the resulting diametricity is possible through the constitutional principles of equality and justice, which the Constitutional Court of the Russian Federation refers to when considering cases in the course of constitutional proceedings.

Tomashevsky Kirill Leonidovich, No. 1 2017

Unification of labor legislation of the Russian Federation and the Republic of Belarus within the framework of the Union State

Annotation. The article analyzes the current trends of convergence of the labor legislation of the Russian Federation and the Republic of Belarus in conditions of ongoing integration processes (above all in the examples, the Community , the Union of Belarus and Russia , and now the Union State . They drew a distinction between the two main ways of convergence of national legislation: unification and harmonization. The article considers the legal framework in terms of regulation of labor and related relations, formed within the framework of various integration associations with the participation of the Republic of Belarus and the Russian Federation. The author supports the idea of developing a common concept, and possibly a program for further convergence of labor legislation of the Republic of Belarus and the Russian Federation. The main attention is paid to the functioning of the Union state, the

creation of a unified legal framework, including acts of secondary law, as well as issues on unification of labor legislation REPUBLIC the faces of Belarus and the Russian Federation, the implementation of an agreed social policy within the framework of the Union State. Suggestions were made on ways to further approximate the labor legislation of the Republic of Belarus and the Russian Federation.

Zhanna Zaurbekovna Karamurzova , No. 1 2017

Restrictions on engaging in pedagogical activities

Annotation . This article highlights and describes the restrictions established by labor legislation for the implementation of pedagogical activities. The author made suggestions for eliminating the problems identified in the study that occur when a person is employed for the position of a teacher in an educational institution.

Ermakova Yana Alexandrovna , No. 1 2017

The subjective side of unlawful influence on the result of an official sports competition

Abstract : The article is devoted to the features of the subjective side of compositions transgress Nij set out in Art. 184 of the Criminal Code of the Russian Federation . Analyzing them, the author concludes that criminal liability occurs only when making e e ence with direct intent, because the offense is formulated according to the type of formal GOVERNMENTAL, the description of the transgression of the law giver have the purpose of his commission . In the analysis of intellectual Foot and volitional elements of direct intent celebrated controversial nature of many provisions , available in the literature, are the point of view of some of the author s (for example measures NA Lopashenko, SV Kuzmin) , concludes that the guilty realization purpose for which his illegal award was handed over , and wishes of committed Nia recipient of the action beyond the scope of fault reporting of a crime.

The positions of scientists on the obligation of a selfish motive and a special purpose are evaluated. The purpose of the crime under Art. 184 of the Criminal Code of the Russian Federation, is eager to SRI to provide the desired result of competition in breach of the competition rules. Moreover, for the presence of corpus delicti, it does not matter what actions will have an unlawful effect on the result of an official sports competition and whether this will happen.

Rossinsky Sergey Borisovich , No. 1 2017

On the essence and legal nature of the detention of a suspect in criminal proceedings

Annotation. This article examines the problem of the essence of the detention of a suspect in criminal proceedings. Based on the analysis of various approaches to the detention of a suspect, scientific discussions on this subject and the resulting conflicts of criminal procedure legislation, the article formulates a conclusion about the versatility, multi-level nature of this doctrinal and legal category, about its expression in four different hypostases: as a measure of procedural coercion , as a procedural combination, as a tactical operation and as a set of regime measures.

Such an approach, according to the author, allows us to reconcile existing points of view and gives impetus for the further consolidated development of the theory and practice of arresting a suspect.

Kamenetsky Yuri Frantsevich, No. 1 2017

Psychological characteristics of a thief's personality that determine the way of committing a crime

Annotation. The psychological characteristics of the personality of an official who committed theft by abuse of official powers in the budgetary sphere, shows their significance for the investigation methodology. The starting point in establishing the traces of a crime is knowledge about the objective laws of this type of crime, which are formed due to the interaction of the identity of the thief and the method of its commission.

Dadasheva Renata Andreevna, No. 1 2017

The impact of international law on the content and development of Russian legislation in the field of activities to protect human and civil rights

Resume: The article highlights the problems of improving Russian legislation in the field of human rights protection under the influence of international law. It is noted that the preferred way of introducing international norms into the Russian legal system is the ratification of conventions, pacts, etc., with their subsequent implementation (transformation). This allows the most complete disclosure of the essence of these norms and the development of an effective domestic complex of measures to protect human rights. It also focuses on the fact that among the elements of international law influencing the content and development of national legislation in the field of human rights protection, a special place is occupied by the final judgments of the European Court of Human Rights. Despite the fact that in Russia, as in other countries of the Romano-Germanic legal family, judicial precedents are not considered a source of law, the legal positions contained in the final decisions of the European Court of Human Rights contribute to a deeper implementation of the provisions of the Convention on the Protection of Rights into Russian legislation. person and fundamental freedoms in 1950. However, today there is no universal and practically tested mechanism for the implementation of general measures aimed at implementing the decisions of the European Court of Human Rights.

Korneva Anna Arkadyevna, No. 1 2017

The principle of representative democracy in labor law of the European Union

Annotation. The article analyzes the relationship between two legal categories - representation and democracy. The author substantiates the place of the principle of representative democracy in the European Union and in a separate branch of EU law - in labor law. The article examines the fundamental legislative acts in this area, an attempt is made to show the correlation between the mechanism for the implementation of representative democracy in the European Union in general and in labor law specifically.

Karpov Kirill Alexandrovich, No. 1 2017

Legal regulation of the banking system of Japan

Resume : This article is devoted to the study of the Japanese banking system. The article provides a study of the issues of the formation of the Japanese banking system and its legal regulation at the present stage of historical development. The paper highlights the stages of development of the banking system of Japan, studies the features of licensing of banking activities, considers the legal status of the Bank of Japan. The author also pays attention to the legal regulation of banking supervision in the country under consideration.

Kozlov Denis Valerievich, No. 1 2017

Contractual and Permitting Procedure for Entrepreneurial Fishing and Fish Farming

Resume: This article examines the cases of fishing, arising on the basis of mixed legal institutions with a predominance of private legal instruments. It is shown that the main legal fact for the emergence of (entrepreneurial) industrial and coastal fishing, especially in the fishing grounds, and fish farming are various types of contracts. These include an agreement on securing the shares of quotas for the extraction (catch) of aquatic biological resources; agreement on the use of aquatic biological resources; agreement on the provision of a fishing area; agreement for the use of the fish farm. The permit for the extraction of aquatic biological resources in the light of the latest changes in legislation has lost its fundamental importance. As a result, public norms are being replaced by private ones.

Shalumov Mikhail Slavovich , No. 1 2017

On the concept of organizing the work of the court

Annotation. The article analyzes the concept and content of the organization of the work of the court, their relationship with the concept and content of the organizational support of the activity of the court, provides the points of view of various scientists, including the author himself, regarding the concept of judicial

activity and the organization of the work of the court, as well as the prosecutor's office and other bodies implementing law enforcement functions, its content, structural elements, the conclusion is drawn about the importance of a correct understanding of the organization of the work of the court for the improvement of judicial practice and scientific research in the field of judicial activity.

Kozlov Denis Valerievich , No. 1 2017

Contractual and Permitting Procedure for Entrepreneurial Fishing and Fish Farming

Annotation. The development of modern society, Russia's entry into the Bologna process has led to changing requirements for training, including in the field of jurisprudence. The article analyzes the problems of training lawyers in the context of the transition to the Bologna system and the changing needs for a graduate of a law school. Among the main requirements of our time in legal education is the development of a creative, proactive specialist who has organizational skills and the ability to introduce new achievements of scientific thought into practice. The reformed educational process requires changes in the system of assessing the knowledge, skills and abilities acquired by students. A proposal is made to distinguish between practice-oriented techniques and the use of practice-oriented elements in assessment tools. The author's vision of the system of assessment tools is presented. The author comes to the conclusion that today the forms of control should become a kind of continuation of teaching methods; research activities of students - a way to meet modern requirements for the educational results of graduates of legal universities.

Egorov Alexey Vladimirovich, No. 1 2017

The methodology of comparative jurisprudence in the works of V.A. Tumanova

Resume : The article shows an approach to the practical application of the methodology of comparative jurisprudence on the example of the works of a particular comparative scientist, whose research interests were the general theory of law and constitutional law of the Russian Federation. The article analyzes the application of the comparative legal method of researching legal matter from the point of view of obtaining specific results used in the field of practical jurisprudence.

Smirnov Alexander Fedorovich, No. 1 2017

On the issue of legal regulation of the status of the prosecutor's office of the Russian Federation

Annotation:

The subject of scientific research of this article is the issues of constitutional and legal consolidation of the principles and legislative regulation of educational activities on the example of teaching constitutional law.

The author has carried out a comparative analysis of the constitutional and legal consolidation of the principles of the regulation of educational activities in different states, proposed a definition of the concept of "legal basis for the regulation of the educational process."

Analysis of the legislation and literature on the research topic allowed us to identify the main shortcomings in the legal regulation of the educational process, the problems of choosing and implementing methods of teaching constitutional law, and formulate specific proposals.

The main conclusion drawn from the study is that federal legislation regulating the educational process needs further improvement. The main contribution made by the author in this article is the disclosure of the content and role of the principles of regulation of educational activities in the Russian Federation, as well as the identification of the need for further regulation by the federal legislator of public in this area in strict accordance with the legal framework for regulating the educational process .