***Komarova Valentina Viktorovna* , No. 2 2017**

Practice-oriented methods in the educational process of a legal university

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.

Doroshenko Egor Nikolaevich, No. 2 2017

On the prospects for the development of multi-level legal education

Annotation. The article is devoted to the study of the problems of transition to a tiered system in the field of legal education. Issues related to ensuring the quality of bachelor's degree programs, the demand for graduates in the labor market, and the prospects for the development of federal state educational standards are analyzed. The criteria of the effectiveness and quality of educational activities used in practice are considered, incl. demand for graduates in the labor market. The article outlines the main problems of the formation of the content of educational programs of bachelor's degree in the direction of training 40.03.01 Jurisprudence; it was concluded that there are significant shortcomings in the delimitation of the content

of bachelor's and master's programs. According to the author, the transition from the disciplinary principle of the formation of the educational program to the competence-based one did not take place in educational activities. As a result, sectoral isolation has not been overcome, intersectoral disciplines have not been sufficiently introduced, and there is a duplication of educational material. The conclusion is formulated about the need to search for a new concept of legal bachelor's degree, based on the requirements for the professional activity of a lawyer.

Osavelyuk Alexey Mikhailovich, No. 2 2017

On the role of the legal framework for regulating the educational process and methods of teaching constitutional law

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 regulation of educational activities in different states, the definition of the concept of "legal basis for the regulation of the educational process" is proposed .

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 .

Naruto Svetlana Vasilievna, No. 2 2017
Professional competence
future lawyers: theoretical, practical
and personal aspects

Annotation. The article analyzes the problems of training lawyers in the context of the transition to a competence-based model of training and education. Attention is focused on the inadmissibility of reducing the level of theoretical foundations of legal disciplines in bachelor training programs. The thesis about the impossibility of cognition and assessment of real legal reality, mastering the professional skills of a lawyer without deep theoretical knowledge, first of all, constitutional and legal theory, is substantiated.

The author emphasizes the importance of the direct intensive intellectual interaction of the teacher with the students, which is primarily achieved in classroom lessons conducted with the use of productive technologies, using various types of creative professionally oriented work of students. The indicators of the effectiveness of the application of productive technologies are determined .

The laboriousness of the use of creative techniques is noted , however, the author formulates the position that the greater efficiency of such techniques in the process of professional training of lawyers requires dedication from the teacher, conscientious preparation for each lesson, regardless of the experience of pedagogical activity. The author considers it important for the teacher to develop homework assignments for independent work of students at the next seminar. At the same time, it is necessary to focus on timely discussion of urgent problems.

Attention is paid to the obligatory educational component of the educational process, its importance for the future lawyer.

Sadovnikova Galina Dmitrievna , No. 2 2017

Features of Teaching from I subjects of state-legal cycle using interactive techniques

Annotation. The article shows the features of teaching academic disciplines of the state-legal cycle. Particular attention is paid to the use of interactive teaching methods in teaching constitutional law. The author believes that these features are primarily due to the public-law nature of the academic discipline, the complexity of the subject of knowledge, ideological-patriotic and political orientation. The fundamental nature of the disciplines of the state-legal cycle predetermines the assimilation of basic norms, values and categories that are of decisive importance for sectoral academic disciplines. Modern standards of higher professional education require the mandatory use of interactive methods in the educational process of higher educational institutions. In the context of growing globalization and information challenges, the inclusion of interactive teaching methods in the model of Russian legal education as a necessary element of educational technologies becomes inevitable. It should also be borne in mind that the transition to the Bologna system has led to an overall reduction in classroom hours for undergraduate students. In these conditions, it is necessary to search for optimal teaching methods in conditions of limited time for communication between the teacher and students in the classroom. One of the main tasks of a modern university is to find the optimal balance of "old and new", traditional and innovative, and to maintain it.

While preserving the ultimate goal and the main content of the educational process, interactive learning somewhat changes the usual translating forms into dialog ones based on mutual understanding and interaction.

The general models of interactive classes and the peculiarities of their conduct in the disciplines of the state-legal cycle are shown.

Zaikin Sergey Sergeevich, No. 2 2017

The introduction of new educational technologies in the training of lawyers: analysis and preparation of draft laws, law - and - film

Abstract: The article offered to the reader is of a methodological nature. It describes the features of the practical application of new educational technologies, such as the use of expert opinions on draft laws as control papers, writing term papers in the form of draft laws, and finally, the use of various variations of the “ law - and - film ” technology .

The work consists of three main parts, in addition to the introduction and conclusion. In the first part, recommendations are given on the preparation, conduct and assessment of control work in the form of an expert opinion on draft laws, and the goals of such control work are explained. The second part is devoted to the peculiarities of the scientific leadership of students who chose as their course work the preparation of a draft federal law, federal constitutional law or a law on an amendment to the Constitution, with special attention paid to the principles of justification and proportionality. Finally, the third part provides various examples of the use of " law - and - film " technology and the purposes of their application - from the analysis of a feature film or documentary film for compliance with legislation on the protection of children from information harmful to their health and development to writing essays and term papers based on viewed works of cinematic art.

Mierhold Anastasia Alexandrovna **, No. 2 2017**

Analysis as the core of the educational process and an integral part of modern education

Annotation. The presented article examines one of the significant problems associated with the influence of technological progress, the development of the Internet and the use of electronic resources on the ability to analyze the studied

material of both applicants and students. The author writes about the need to use different teaching methods to develop students' ability to analyze, the positive and negative aspects of these methods that affect the analysis of the material obtained.

Bulakov Oleg Nikolaevich,
Zhumabayeva Aliya Amanbaevna, No. 2 2017
About bschestvennost in the field of educational and outreach activities

Annotation. The article is devoted to the study of the problems of democratization in the education system. The democratization of the educational process, according to the authors, is possible by expanding the participation of self-governing associations and public associations. Issues related to ensuring the participation of public associations in the field of educational and awareness-raising activities are analyzed . The analysis of the Charters of the councils of municipalities allowed the authors to highlight the forms of educational and educational activities; classification into general and specific is proposed. The conclusion is made about the importance and prospects of the activities of unions, associations of municipalities of the constituent entities of the Russian Federation in educational activities aimed at increasing the legal awareness and activity of residents of municipalities in solving local issues.

Budaev Andrey Mikhailovich, No. 2 2017
Constitutional law as a basis for promising interdisciplinary research

Annotation. At the present stage of development of constitutional law, interdisciplinary research is becoming one of the most promising areas of educational and scientific work. Existing in the structure of the University named after O.E. Kutafina (Moscow State Law Academy), the Department of Constitutional and Municipal Law is successfully developing such a new direction

of interdisciplinary research as the constitutional foundations of energy law. As part of this work, the Department of Constitutional and Municipal Law has prepared a work program and a textbook, it is planned to defend a dissertation for the degree of candidate of legal sciences. The experience of personal participation of teachers of the department in conducting scientific and educational events in conjunction with the Department of Energy Law of the University named after O.E. Kutafina (Moscow State Law Academy).

Pastukhova Nadezhda Borisovna , No. 2 2017

Experience in teaching the discipline "Constitutional and legal foundations of energy law" at the University named after O.E. Kutafina (Moscow State Law Academy)

Annotation.

This article examines the features and current approaches to teaching new branches of legal science based on the positive experience accumulated at the University named after O.E. Kutafin (Moscow State Law Academy), where the Institute of Energy Law (now the Institute of Contemporary Applied Law) was established in 2010 , the first and only educational institution at that time in Moscow and in Russia, whose activities are aimed at training lawyers specifically for energy industry.

The analysis of the innovative training system, developed for teaching the discipline "Constitutional and legal foundations of energy law" in accordance with the current legislation and educational and methodological literature.

The article describes the specific characteristics of the training course "Constitutional and legal foundations of energy law", which is formed in such a way that in the process of studying this discipline, the student mastered both basic knowledge in the field of constitutional law and additional knowledge necessary for a lawyer in the field of energy. The learning outcomes of the Institute's students are largely determined by the competencies acquired by the graduate, his ability to apply

knowledge, skills and personal qualities in accordance with the tasks of professional activity.

Valery Nevinsky, No. 2 2017

Subject of the branch of Russian constitutional (state) law (on the issue of continuity in scientific research and educational process)

Annotation . In a number of legal categories that are important in isolating the branches of Russian law, a special place is occupied by "subject". At the same time, the subject of the branch of law acts as the object of research of the corresponding branch legal science and branch legal discipline.

The constitutional (state) law of Russia as a branch of law also has its own subject of regulation (a certain circle of social relations), around which discussions in scientific and teaching circles do not subside in the Soviet and post-Soviet periods. With all the features of the state ideology at each of the stages of the development of the Russian state and the originality of the author's opinions, one can find a certain continuity in understanding the essence, structure, content and meaning of the subject of Russian constitutional (state) law. In particular, continuity is observed, firstly, in the perception of the categorical understanding of the phenomenon under study (the category “subject of constitutional (state) law” has been established as a set of homogeneous, interconnected social relations subject to regulation by the norms of constitutional (state) law); secondly, in the allocation of basic social relations and specific, narrowly formed social relations, regulated by the norms of constitutional (state) law; third, in structuring regulated social relations into groups with an orientation towards the structure of the Russian constitution; fourthly, in the content of certain groups of social relations that are the subject of the constitutional (state) law of Russia in the Soviet and post-Soviet periods; fifth, in establishing and substantiating the leading role of constitutional (state) law in a number of other branches of Russian law, primarily due to the originality of regulated social relations. Revealing some continuity of the subject of

constitutional (state) law of the Soviet and post-Soviet periods does not at all deny filling the subject of legal regulation with new content on the basis of an updated system of social values, an updated system of theory and practice of Russian constitutionalism.

Kovryakova Elena Vladimirovna, No. 2 2017

The Right to Education: Constitutional Regulation and Political Practice in Russia and Abroad

Annotation. In the article the author comes to the conclusion about the correspondence of the education system to the management system of society and the state as a whole. Thus, the right to education in socialist countries, in which the unity of power is proclaimed, is based on the unity of science, education, upbringing and is aimed at the integration of the people. At the same time, education itself still continues to demonstrate its effectiveness and high quality. The liberal education system, on the contrary, is closed, providing the opportunity to use this "social lift" only to the wealthy. The presence of a basic, fundamental education for the broad masses, which allows them to adequately perceive reality, is not envisaged. In this regard, due to the growth of external and internal threats, the Western model of education is hardly suitable for our country. Reforming education in Russia should be carried out, first of all, taking into account its national interests, historical, ethno-national and other peculiarities.

Sergey Kabyshev, No. 2 2017

Canadian model of legal education: a positive experience for Russia

Resume: This article examines the organization of legal education in Canada, identifies its features. Among them: lack of uniform standards of legal education; a

multi-level system of conditions and tests required for admission to law faculties in the form of study experiences, the level of academic performance in the previous university, the presence of logical thinking, etc.; a system of "credits" for each academic discipline, allowing students to choose them independently; the prohibition of admission to the magistracy in legal specialties, without the presence of a basic legal education; a system for assessing students' knowledge, which ensures that their progress is taken into account during the entire period of study; a combination of theoretical and practical training, the priority of constitutional law among other disciplines, an orientation towards studying examples of real protection of citizens' rights; an interactive learning system, where the teacher primarily stimulates interest in knowledge, work of thought and the formation of arguments; introduction of a system of admission to a profession where practical skills are acquired; certification of the qualifications of lawyers. These features, according to the author, have a positive effect on the quality of legal education in Canada, and therefore it is advisable to consider the possibility of their application in Russia.

Golovina Anna Alexandrovna, No. 2 2017

Glossaries in Russian legislation: trends and prospects

Resume : The article examines the history of the appearance in foreign and Russian legislative practice of such a legal and technical device as the compilation of a separate article-glossary. The article examines current trends in the field of glossary articles and the quality of their compilation in Russian legislation, including such as: the use of a system of concepts only "for the purposes of this law"; an increase in the volume of glossary articles; inflation of legal terminology; complication of concepts defined in glossaries; the phenomenon of "doubling the concept"; introduction to non-informative definitions of glossary articles; changing legal and technical methods of interpreting definitions using

modern information technologies. Based on the analysis carried out, three possible scenarios for the further development of the situation in the field of using glossary articles are predicted. The scientific concept of improving the articles-glossaries in the Russian legislation is proposed.

Chirkin Veniamin Evgenievich **, No. 2 2017**

On the procedure for adopting a federal law in Russia (is the wording of Part 1 of Article 105 of the Constitution of the Russian Federation correct?)

Annotation. The article examines the procedure for adopting laws in Russia and in the world. After the revolutionary liquidation of absolute monarchies in the democratic countries of the world , the theses were established: the laws of the state are adopted not by the monarch , but by the parliament, and the parliament is the only legislative body (the laws of the subjects of federations and some territorial autonomies were not discussed at that time). These provisions are enshrined in many constitutions, substantiated in scientific research, and are present in textbooks. The X VIII to X I X centuries., When such provisions were included in the constitution, there were bicameral parliaments. Unicameral ones appeared later. In Russia, the parliament is bicameral, but the wording is such that the provision on the adoption of the law seems to be reduced to one chamber. W Part 1 of Art. 105 of the Constitution of the Russian Federation establishes that federal laws are adopted by the State Duma. In our opinion, neither the general provision on parliament, nor the rule of the Russian Constitution on the State Duma reflect the entire complexity of the process of adopting a law in the state in the changed conditions of our time. The text , adopted by the Parliament as a law on the matter can not become it if it does not sign the head of state, and the text adopted only by the State Duma, could threaten a veto and has the other chamber, which could not be overcome. In some foreign countries (eg in the US), many cases where laws , passed by the Parliament, and not have them, and were adopted by the Parliament a bill because

Parliament has not overcome the President's veto. In France, Italy and other countries, there have been cases when the Senate did not confirm the texts of bills adopted by the lower house, and they did not become laws. The Russian Federation Council has also rejected the texts adopted by the State Duma, and they were taken only after the conciliation commis these . Therefore, the parliament itself (and even more so one chamber - the State Duma in Russia) does not always decide finally whether its (her) text will become law. It is necessary to clarify the constitutional formulations on the implementation of the constitutional right to pass laws, and not only in the Russian Constitution, but also in the constitutions of other countries of the world in modern conditions. The article only talks about the laws of the state (in addition to them, there are laws of the subjects of federations and sometimes - of territorial autonomous formations) and the role of the chambers of parliament and the head of state in adopting a law. The issues of regulatory and delegated legislation, as well as the publication of laws by emergency bodies (military, revolutionary councils and others) are not considered in the work . Nor are there any other legislative bodies in some countries (for example, the Great Jirga in Afghanistan or the People's Consultative Congress in Indonesia).

Krotov Andrey Vladislavovich **, No. 2 2017**

Problems of constitutionalization of the right to privacy in Russia in the context of globalization

Resume: This article examines the impact of globalization processes on the content of the right to privacy. The author notes that the constitutionalization of the right to private life can be made by adjusting the content of the constitutional right to private life, modifying the constitutional negative right into a complex law, which includes both positive and negative rights. In this case, constitutional justice plays a special role, which will make it possible to make such an adjustment without changing the text of the constitution itself.

Arzumanova Lana Lvovna **, No. 2 2017**

National payment system
as a guarantor of stability and protection of the national economy

Annotation. The article examines the issues of monetary circulation on the example of the development of the institution of the national payment system, which appeared with the adoption of the Law on the National Payment System in 2011. The provisions of the strategy for the development of the national payment system, the objectives and goals of its adoption are analyzed. An assessment of the developing payment system Mir is given and its international analogues are presented. The purpose of this study is to analyze the current Russian legislation with a view to improving the national system of payment cards.

Morozov Pavel Evgenievich **, No. 2 2017**

Improvement of labor legislation as the basis for the effective functioning of contractual regulation of labor relations and other relations directly related to them

Annotation. The article is devoted to the urgent problem of labor law of the Russian Federation - insufficient perfection of the legislative framework for contractual regulation of labor relations and other relations directly related to them, which leads to a deterioration in the legal status of employees.

This situation determines the need to analyze various forms of this problem in order to develop recommendations for improving labor legislation in the field of determining the goals and objectives of contractual regulation of labor relations and other relations directly related to them. The need for such optimization is dictated by the need to achieve an optimal balance of interests of employers and employees. The article identifies six forms of the existing problem, namely: the lack of an optimal formulation of goals and objectives of legal regulation of labor and other relations directly related to them; inconsistency of contractual regulation of

labor and other relations directly related to them with the goals and objectives of labor legislation; the contradiction between the goals and objectives of labor legislation, on the one hand, and the basic principles of legal regulation of labor and other relations directly related to them, on the other hand; underestimation of the role and significance of written agreements on the full liability of employees; actual non-recognition of the fact that an apprenticeship agreement is a form of contractual regulation; the presence of inconsistency of Article 419 of the Labor Code of the Russian Federation “Types of liability for violation of labor legislation and other acts containing labor law norms with Articles 91 of the Labor Code of the Russian Federation“ The concept of working time. Normal working hours "and 189 of the Labor Code of the Russian Federation" Labor discipline and work schedule. "

Bocharnikov Dmitry Alexandrovich **, No. 2 2017**

Some features of the legal regulation of labor relations of highly qualified specialists attracted by scientific and educational organizations

Annotation. The article is devoted to the issues of attracting highly qualified specialists to work in the Russian Federation. In the context of the transition of the Russian economy to an innovative path of development, the article raises the question of the need to attract highly qualified specialists from foreign countries to the work of scientific and educational organizations. The author gives a general description of the status of a highly qualified specialist, identifies problems in the legal regulation of labor relations with this category of workers. Thus, the analysis of the procedure for selection by competition for the filling of the corresponding position by highly qualified specialists is carried out. In addition, the author raises the question of the advisability of carrying out certification for compliance with the position occupied by a highly qualified specialist. The author identified conflicts of legal norms of labor and migration legislation. In order to solve this problem, the author proposed the introduction of a new chapter into the Labor Code of the Russian

Federation, which regulates the peculiarities of attracting foreign workers to labor activity on the territory of Russia.

Molchanov Nikolay Andreevich, No. 2 2017

Matevosova Elena Konstantinovna

Information security doctrine of the Russian Federation (novelty of legislation)

Annotation. The article examines topical issues of legal and organizational support of information security in Russia in the light of the Doctrine of information security of the Russian Federation, approved by the Decree of the President of the Russian Federation of December 5, 2016 No. 646. Analyzing in detail such a strategic planning document, the authors point out the need for a qualitative improvement of the legal framework and mechanism of the security system information security, taking into account the new threats and challenges of the modern world. An objective assessment of the novelty of legislation in the field of information security in the Russian Federation is accompanied by the authors' arguments about the problems of ensuring information security at the national and international level, the responsibility for the effective resolution of which is largely assigned to the law.

Matsakyan Gohar Surenovna , No. 2 2017

The claim for the recognition of the right of usufruct: problems of theory and practice

Annotation. The specificity of the proprietary legal protection of property rights and other proprietary rights lies in the application of special claims based on the evidence of the plaintiff that he has a legal title. The bill on amendments to the Civil Code of the Russian Federation proposes the establishment in the Code of a

closed list of proprietary legal methods of protecting proprietary rights. These methods include vindication and negative claims, as well as the claim for the release of property from seizure (exclusion from the inventory) and a claim for the recognition of property rights, which have recently become widespread in judicial and arbitration practice.

The right to usufruct (usufruct) occupies an independent place in the system of property rights provided for by the Draft Law. The article examines the features of protecting the right to usufruct (usufruct) by means of a claim for the recognition of the right, namely: the essence of this claim is disclosed, its subject and grounds, subjects (plaintiff and defendant), conditions of presentation are determined. In addition, on the basis of an analysis of the judicial and arbitration practice and the statute of limitations, the author comes to the conclusion that the claim for the recognition of the right of usufruct is essentially one of those claims to which the statute of limitations does not apply.

Sipki Marat Vazirovich, No. 2 2017

At the head of the terrorist responsible for the creation of community and participation in it: the shortcomings and prospects

Resume: The article examines the history of the addition of the Criminal Code of the Russian Federation to the rule on responsibility for organizing and participating in a terrorist community (Article 205.4), as well as amendments to it.

An analysis of the current edition of Art. 205.4 of the Criminal Code of the Russian Federation. The gap and controversial nature of a number of its provisions are noted, as well as their possible negative impact on law enforcement.

Suggestions are made to improve the wording of the norm under consideration. In particular, in order to eliminate unnecessary duplication and contradictions, it is proposed to exclude from Part 1 of Art. 205.4 of the Criminal

Code of the Russian Federation, a reference to terrorist activity with the simultaneous addition of the list of crimes contained in it with a terrorist act.

It is concluded that the terrorist community cannot and should not be created to commit any crime. Distribution of Art. 205.4 of the Criminal Code of the Russian Federation for cases not directly related to terrorist crimes looks artificial, strained. In this regard, it is proposed to exclude from Art. 205.4 of the Criminal Code of the Russian Federation words about the preparation or commission of *any* crime for the purpose of "propaganda, justification and support of terrorism."

Mukhacheva Irina Mikhailovna, No. 2 2017

A state of mental disorder that does not exclude sanity in accordance with Art. 106 of the Criminal Code of the Russian Federation

Annotation. The article examines the provisions of the criminal law that define the concept and meaning of mental disorder, which does not exclude sanity. The similarity between the characteristics of a mental disorder, which does not exclude sanity, provided for by Art. 22 and 106 of the Criminal Code of the Russian Federation, and the differences between them are revealed. So, the author notes specific features associated with the fact that the provisions enshrined in Art. 22 of the Criminal Code of the Russian Federation, are a means of individualizing punishment and are not limited to any type of crime, can be taken into account when sentencing and deciding on the use of compulsory medical measures, i.e. affect the individualization of criminal liability, and limited sanity in the construction of Art. 106 of the Criminal Code of the Russian Federation is used as a sign of a privileged composition, that is, as a means of differentiating criminal liability.

When analyzing the provisions of Art. 106 of the Criminal Code of the Russian Federation considers the relationship of a mental disorder, which does not exclude sanity, with childbirth and the postpartum period.

Barinov Sergey Vladimirovich

Prosvirin Efim Valerievich , No. 2 2017

Tactical features of conducting interrogations in cases of violations of privacy

Resume: The article examines some of the tactical features of various types of interrogations conducted in cases of violations of privacy. The conclusion is substantiated that such characteristics as completeness and relevance, objectivity and efficiency of description are fundamental in all types of interrogations. It is noted that the characteristics under consideration are implemented in the course of interrogations in a specific way: the communication underlying the interrogation between the investigator and his participants. Among the persons from whom it may be necessary to obtain information during the investigation of criminal violations of privacy, the following categories are distinguished: victim, witness, expert, suspect and accused. The article considers such a problem of objectivity of description during interrogation as information distortion. As its resolution, the investigator was recommended , when choosing the tactics of the interrogation, to take into account the interest of the interrogated persons in the outcome of the case, the peculiarities of establishing psychological contact and effectively use techniques aimed at preventing attempts to give false testimony. On the basis of examples from investigative practice, other recommendations for conducting an interrogation are given, aimed at ensuring its completeness and objectivity.

Paramonova Lada Fedorovna , No. 2 2017

Determination of the competence of a forensic expert in the framework of criminal proceedings

Annotation. The content of the concept of "competence of a forensic expert" and its difference from the concept of "competence of a forensic expert" has been

the subject of scientific discussion for many years. The article provides a structural and linguistic analysis of the proposed definitions of competence, based on the analysis, the author's formulation of this concept is proposed. Special attention is paid to the structural elements of competence, which make it possible to fully assess the competence of a forensic expert before conducting an expert study.

Kondrashev Andrey Alexandrovich , No. 2 2017

Judicial reform in Russia: implementation problems and solutions

Resume: In this article, the author examines the collisions and contradictions that arose during the implementation of the Concept of Judicial Reform in the Russian Federation, adopted back in 1991. The author highlighted the main problems associated with the implementation of the tasks set in the Concept: over-centralization of the judicial system, social stratification of justice, strengthening of the accusatory bias, personnel problems, violation of the principle of independence of judges. the Russian judicial system. Moreover, the country needs cardinal innovations that can ensure real independence of judges from both the executive branch and market actors, and at the same time weaken the centralization of powers in the hands of court chairmen. Otherwise, it will be impossible to restore the trust of the Russian society to justice.

Elena Antonyan , No. 2 2017

With TATUS and prospects of development of the production base of the correctional system[one]

Resume : The article examines the current state of attracting convicts in places of deprivation of liberty to work and analyzes the objective reasons that do not allow increasing the efficiency of the production sector of the penal system.

Marchukov Igor Pavlovich, No. 2 2017

P redposylki and methods of unification of private foundations of the foreign trade turnover of energy resources BRICS

Resume : The article is devoted to the study of legal methods and means of unification of legal regulation of foreign trade turnover of energy resources of the countries included in the international integration association BRICS. It is concluded that in the development of international energy cooperation between the BRICS member states, the primary task of legal scholars is to create a single legal space. As for the direct foreign trade turnover of energy resources, priority, first of all, should be given to the unification of national civil legislation, as a branch of law that regulates private trade relations, with a foreign element, the implementation of which requires turning to the method of harmonization of law. The factors of modern objective reality that complicate the process of forming a unified legal space for foreign trade turnover of energy resources of the BRICS countries have been identified and analyzed. It was established that the existing agreements are essentially programmatic acts that establish only general directions for the development of cooperation between the participating countries, and do not contain specific provisions on the regulation of the energy market. In this context, the need for modernization of the private law basis for the turnover of energy resources is obvious, first of all, the applicable law to the purchase and sale agreement. It has been proven that for the BRICS member states, the provisions of the 1980 Vienna Convention are of exceptional importance, which should be taken into account by national legislators in the process of convergence of civil law regulation. It is concluded that the legal regulation of sale and purchase in the BRICS countries can

hardly be called unified, however, the fact of participation in the Vienna Convention of the majority of the members of the association and the possibility of its application in these countries create the necessary fundamental principle of the unified legal space of the integration intercountry union. Uniform legislative approaches of the BRICS countries have been identified in regulating the conditions for recognizing contracts (transactions, agreements) related to foreign trade turnover of energy resources, defining them as concluded (valid) and the grounds for their termination.

Zaplatina Tatyana Sergeevna, No. 2 2017

Some features of the consolidation of the principle of mutual recognition in the normative acts of the European Union

Annotation. The article is devoted to identifying the features of the formulation and consolidation of the principle of mutual recognition in the acts of the European Union. This principle is established in the area of the internal market, in particular within the framework of its four freedoms, and in the area of the space of freedom, security and justice. The consolidation of the principle of mutual recognition in different areas is not the same, moreover, its clear formulation has not been reflected in the constituent acts of the European Union. There is no direct definition of the principle in the case law of the Court of Justice of the European Union. Thus, securing a rather multifaceted mechanism for the implementation of the principle of mutual recognition, the normative acts of the European Union do not give its definition, which certainly carries a peculiarity in the disclosure of this problem.

Romanova Marina Evgenievna, No. 2 2017

The system of sources of customs law of the European Union at the present stage

Annotation. The article discusses the evolution of the system of sources of customs law of the European Union, considerable attention is paid to the prerequisites and reasons for the implementation of the reform of the EU customs legislation, in particular, taking into account the adoption of the Lisbon Treaty of 2007 and the Customs Code of the Union. The article considers the norms of the primary law of the EU, which are of the greatest importance in the field of customs regulation.

It also analyzes the role of secondary law acts in the system of sources of EU customs law. Particular attention is paid to the role and development of codified acts in the EU customs law, both directly the Customs Code and the acts adopted in its development. The phenomenon of non-entry into force of the already adopted Modernized Customs Code of the Community is being studied in detail. The features and role of acts of "soft law", international treaties in the customs sphere are investigated.

The article also pays attention to the place of the judicial precedent in the customs law of the European Union.