

Vasiliev Stanislav Alexandrovich ,

Zenin Sergei Sergeevich , No. 12 2017

The specifics of the development of the institute of magistracy in pre-revolutionary Russia

Reforming the modern education and scientific certification system is dictated to a greater extent by economic conditions, as well as global trends, which in their totality represent the challenges to which Russia cannot but respond. At the same time, the normative consolidation of new legal structures of the education system is very similar to everything that already existed in our country. The beginning of the functioning of three-stage higher education showed its weaknesses in several aspects, which, in turn, requires additional understanding and further improvement of the organization of education at different levels. It is the emergence of a relatively new intermediate link - the magistracy that raises, perhaps, most of the questions, for the solution of which in this article we turned to the existing domestic historical experience.

Kulikova Tatyana Borisovna, No. 12 2017

Legal model of professional and public accreditation of educational programs

Abstract : The article proposes the author's approach to understanding the institutional system of professional and public accreditation of educational programs, including the level of accrediting organizations, expert and organizational and methodological levels. The given system is analyzed from the point of view of its compliance with the meaning of legislative provisions, cases of possible abuse of the granted rights are noted. The author emphasizes the need to preserve the requirements of the labor market among the criteria for professional and public accreditation, which will fill the gaps in legal regulation and reflect the specific needs of certain sectors of the economy in qualified personnel. The article notes the relevance of changes in legal regulation, introducing tools for maintaining the list of organizations conducting professional public accreditation by the Ministry of Education and Science of Russia, using modern information

technologies. Appropriate monitoring mechanisms make it possible to recognize it as possible and expedient to attach greater importance to the results of professional and public accreditation, including in the context of the administrative reform of state control (supervision) over compliance with mandatory requirements in the field of education.

Galyashina Elena Igorevna, No. 12 2017

Competence approach to the training of forensic experts and the development strategy of the specialization "Speech expertise" (specialty 40.05.03 "Forensic expertise") in the framework of legal education

Annotation. The article states the need to improve educational programs for the training of forensic experts in speech expertise within the framework of legal education. The article deals with the professional and qualification requirements for a forensic expert, which give him the right to engage in forensic activities in order to fulfill his official duties. The development strategy of the strategy of specialization "Speech expertise" (specialty 40.05.03 "Forensic examination") is proposed on the basis of a competence-based approach to expert practice and specialization of experts. As a result of the implementation of the proposed strategy for the development of training in specialty 40.05.03, the specialization "Speech Expertise", the teaching of forensic and related disciplines will be raised to a higher level that meets international standards. The implementation of the strategy will enable students to gain not only theoretical knowledge, but also practical skills in working with devices and equipment available in the arsenal of state expert institutions, which will allow them to immediately join the work of these structures "without swinging", thereby increasing the effectiveness of law enforcement. The methodological support of the process of preparation and education of students will be expanded, which can then be used in the practice of state and non-state forensic institutions and, of course, give an economic effect. Expansion of international relations will help strengthen the position of domestic forensic experts at the

international level and enhance the status and importance of domestic forensic science in the world.

Baev Valery Grigorievich

Frolov Sergey Anatolyevich , No. 12 2017

The activities of the peasant land bank in post-reform Russia (1884-1895) (on the example of the Tambov province)

Resume : **the authors show that the** loss of the Peasant Land Bank was brought about by the abolition of serfdom in Russia and the subsequent reform of agriculture, with the aim of assisting peasants in acquiring land offered for sale. The freed peasants had to be given land and for this purpose to provide them with the possibility of obtaining land loans on favorable terms. The authors investigate the activities of the Peasant Bank on the example of the Tambov province, the normative acts that underlie this activity. The final results of the land peasant mortgage are subject to a detailed analysis. It turns out that the Peasant Bank did not fully achieve the goals of transforming land legal relations, since the existing culture of land use did not bring high yields and, accordingly, limited the ability of peasants to pay repayments. The growth of arrears did not allow the development of agriculture and ruined the bank itself.

Kashanina Tatyana Vasilievna, No. 12 2017

Evolutionary laws of law

Annotation. The article analyzes public relations regulated by law in order to identify the laws of law acquired by it in the process of historical development. To date, the author has managed to establish ten of them. All of them are examined in detail and illustrated, including: an increase in the specific weight (density) of legal regulation, an expansion of the sphere of legal regulation, an increase in the specialization of legal regulation, an increase in the detailing of law, an acceleration of the dynamism of law, an increase in the degree of abstractness of law, an increase

in the share of common interests in law, the growth of the array of regulatory norms, an increase in the legal and technical equipment of law and the unification of law. It is concluded that evolutionary patterns indicate that the significance and regulatory power of law is steadily growing.

Mokhov Alexander Anatolyevich, No. 12 2017

PHARMACEUTICAL LAW AS A PHENOMENON

Annotation. The article examines approaches to a new category of domestic jurisprudence "pharmaceutical law". The author defines the subject area of pharmaceutical law in Russia, it is proposed to consider a set of rules governing relations in the field of drug circulation as a separate group claiming relative autonomy. On the one hand, the norms governing legal relations at certain stages of the life cycle of medicines (clinical trials, medical applications) have a genetic relationship with medicine, therefore, with medical law, designed to comprehensively and consistently regulate this group of relations, on the other hand, with economic activities (industrial (relations for the production of medicines); trade (the movement of medicines from the manufacturer to the final (in the person of a citizen) or intermediate (in the person of a medical organization, a medical worker) consumer) .In the last part, they are a kind of economic activity, therefore, are related to business (economic) law.

The article also draws attention to the unresolved issue of the belonging of the rules governing the circulation of similar in their characteristics, the intended purpose of goods for medicinal products (medical devices, dietary supplements, etc.) to one or another branch of law. Due to the unity or significant similarity of approaches to the legal regulation of the circulation of such goods, it is proposed that the relevant norms also be referred to the subject field of the emerging pharmaceutical law.

Efimova Maria Vsevolodovna, No. 12 2017

Comparative analysis of the procedure for the execution of a letter of credit under the Civil Code of the Russian Federation and UCP- 600

Resume: The article presents a comparative analysis of the procedure for the execution of a letter of credit under Russian law and the Unified Rules and Customs for documentary letters of credit. As a result of the study, the author comes to the conclusion that despite the change in paragraph 3 of Chapter 46 of the Civil Code of the Russian Federation on settlements with letters of credit, as a result of the adoption of Federal Law No. 212-FZ of July 26, 2017, there remained serious discrepancies in legal regulation, including in terms of the order and principles of execution of the letter of credit. Russian law is not familiar with the institution of deferred execution of a letter of credit, UCP-600 does not know the execution of a letter of credit through “other actions”. In turn, Russian law is not familiar with the concept of “negotiation” of a letter of credit. The legal peculiarity of a letter of credit under UCP-600 in comparison with the Civil Code of the Russian Federation is the possibility of submission of documents that meet the conditions of the letter of credit, provided by the ICC, not only to the issuing bank or nominated bank, but also to the confirming bank. The Civil Code does not contain the principles adopted in international banking practice for checking the documents submitted to them by banks: - reasonable care and - strict compliance of the submitted documents with the terms of the letter of credit.

Amelin Roman Vladimirovich , No. 12 2017

Legal regulation of public relations in the field of information systems: civil and informational legal approaches

Annotation. The article systematically examines the main approaches to the legal regulation of information systems in modern Russian legislation. The author identifies two groups of legal norms that form the legal regime of information systems - the subject of which is information systems proper and norms governing

legal relations regarding individual elements that make up information systems - computer programs, databases, information, technical means. The relationship between the legal regime of information systems and the legal regime of its elements is shown. When using the information and legal approach to the regulation of information systems, the main attention is paid to the problems of personal data protection and combating computer crimes. From the standpoint of the civil law approach, information systems can be considered as a complex object of property rights, as well as as a result of a contract for the performance of work. Analyzing the structure of ownership of information systems, law enforcement practice, the author proposes and justifies the extension to relations regarding state and municipal information systems of the rules of law regulating relations regarding a single technology.

Ryazantseva Ekaterina Anatolyevna , No. 12 2017

P reimuschestvennoe right to conclude the contract in civil law

Annotation. In the process of developing legislation, the norms of law that regulate relations related to the exercise and protection of preferential civil rights are gaining more and more noticeable weight. Activities in this direction allow us to note the tendency to expand the range of preferential civil rights. So, for the first time at the legislative level, a number of preferential rights for participants in corporate legal relations have been enshrined. In contractual legal relations, it is possible to note the preemptive right to conclude an agreement for a new term. This rule is enshrined in the sections of the Civil Code of the Russian Federation on the lease agreement and lease agreement. Hereditary legal relations contain a fairly large number of preemptive rights. Nevertheless, despite the consolidation of these rights in legislation, the problem lies in their insufficiently complete legal regulation. In the article, the author tried to reveal the content of these pre-emptive rights, their positive and negative impact on the subjects of civil relations. The article analyzes a number of cases considered by the court. The author's reasoning is reinforced by the conclusions and proposals for improving the legislation.

Osipov Mikhail Yurievich, No. 12 2017

Foreign exchange mortgages and the principle of equity: pro et contra

Annotation. Pravovo e regulating e currency mortgage - one of the most urgent problems facing the modern civil and banking law. The urgency of this problem is due to the fact that foreign exchange mortgages are one of the risky banking operations, the use of which can cause quite a lot of damage to all participants in banking operations :

The subject of the research is the peculiarities and patterns of legal regulation of property relations in the field of foreign exchange mortgages, as one of the types of banking operations.

As methods of ISS research are the formal legal and comparatively - legal methods, methods of analysis of the effectiveness of legal regulation. In the course of the study, it was shown that the current state of legal regulation in the field of foreign exchange mortgages is clearly insufficient, since the legislation does not establish necessary restrictions on the implementation of this banking operation. A number of other conditions for the admissibility of the use of foreign currency mortgages have also been proposed, which must be enshrined in legislation , including state aid to persons who have suffered from foreign currency mortgages.

Ivakin Valery Nikolaevich, No. 12 2017

ON THE LEGAL NATURE OF PRE-TRIAL DISPUTE SETTLEMENT, OR ANOTHER DISPUTED ISSUE OF THE THEORY OF CIVIL PROCEDURAL LAW

Annotation. Compliance with the pre-trial procedure for resolving a dispute has traditionally been considered in the procedural literature as one of the special prerequisites for the right to bring a claim. However, after the adoption of the Code of Civil Procedure of the Russian Federation in 2002, it began to be recognized by

many procedural scientists as one of the conditions that make up the procedure for filing a claim. The prerequisite for this was the distinction in the above code of refusal to accept a statement of claim and its return as two types of non-acceptance of a statement of claim by a judge. Since the first reason for the return of the statement of claim is non-compliance with the pre-trial procedure for resolving the dispute, compliance with this procedure was attributed to the conditions for the exercise of the right to file a claim. Meanwhile, the distinction between the judge's non-acceptance of the statement of claim to his proceedings in the Code of Civil Procedure of the Russian Federation of 2002 is not connected with a change in the views of the legislator on the legal nature of the circumstances that serve as grounds for refusing to accept the statement of claim and its return, but with the optimization of legislation designed to facilitate the establishment of cases after the judge does not accept the statement of claim, it is impossible or possible to re-submit an identical claim to the court, which is what this article draws attention to.

Kolodyazhnaya Anastasia Igorevna , No. 12 2017

International standards of social risks as a basis for human social security

Abstract: The international community has recognized and enshrined in the law n Ravo each person as a member of society to social security, which is caused by the onset of certain life circumstances (legal facts) Prizna Vai as are social s risk s . The article analyzes the concept of social risk as the basis for social security and examines the factors influencing them. The main types of social risks, fixed in international sources, are revealed, and special attention is paid to such a phenomenon as atypical social risks. Recognition by the world community as social risks of new situations that are not "classical", from the point of view of increasing the level of social protection of a person, is a very positive phenomenon, reflecting his reaction to new challenges and risks that arise at each next stage of the development of civilization. M nternational welfare standards ensure every person is worthy of the first level of a life and upon the occurrence of the relevant social risks .

Rashidova Asel Ibragimovna ,

Rachkova Alexandra Olegovna, No. 12 2017

MEDIATION I am in the Labor X DISPUTE X

Abstract: The article analyzes the essence of mediation and applicability of s her to a labor dispute , revealed the advantages of this method of conflict resolution in the work sphere, as well as identifying some problems of its implementation. In the work, the authors highlight the main positive features of mediation, consisting in its confidentiality, voluntariness, short terms for making a decision on a dispute, as well as the ability to come to a solution, to a common solution that suits both parties. It raises the question of differences e between the resolution of the dispute in the committee on labor disputes and mediation procedure . Based on the results of the study, the authors conclude that the inclusion of mediation in the system of settlement of labor disputes meets the goal of increasing the stability of labor relations and stimulates workers and employers to find a balance of interests.

Kochoi Samvel Mamadovich

Hasan Hunar Ameen , No. 12 2017

THE GENOCIDE OF THE YAZIDI AND THE PROSPECTS OF THE FIGHT AGAINST TERRORISM IN IRAQ

Resume: *The* article analyzes the materials of the special international independent UN Commission, which recognized the crimes of the terrorist organization "Islamic State" (IS) against the Yezidis of Iraq as genocide. The need for a positive response by the United Nations Security Council to the call of this Commission to transfer the situation with the Yezidis to the International Criminal Court (ICC) or to create a special tribunal for this purpose is noted. The necessity of the earliest recognition and condemnation of the Yezidi genocide by the State Duma of the Federal Assembly of the Russian Federation is substantiated.

In order to suppress the ongoing Yazidi genocide and reshape the ethno-religious map of the region, a proposal is being made to provide military and

diplomatic assistance to the Yazidi armed formations waging a fight against IS. This step is justified by the need to intensify the fight against terrorists and terrorist organizations in Iraq itself, since the Yezidis are the most motivated ethnic and religious minority for the fight against Islamic radicals.

Molchanov Dmitry Mikhailovich

Kulikov Anton Sergeevich , No. 12 2017

Judicial fine in the Criminal Code of the Russian Federation and criminal compensation in the Criminal Code of the Republic of Belarus: a comparative analysis

Annotation. This article is devoted to a comparative legal analysis of a court fine (Criminal Code of the Russian Federation) and criminal compensation (Criminal Code of the Republic of Belarus). The consolidation of this measure in the Criminal Code of the Russian Federation requires theoretical comprehension and identification of possible problems of its application in practice. Some aspects related to the determination of the legal nature of the court fine, its size, as well as the order and timing of its payment were investigated. The article substantiates the inappropriateness of fixing the provisions on the court fine in Section VI of the Criminal Code of the Russian Federation. The article reveals the practical problems associated with the lack of legislative regulation of the size of the minimum amount of a court fine, the maximum amount of a court fine for minors. The lack of the possibility of using an installment plan and the optimal payment period are also considered as practical problems. All these issues were considered in comparison with similar provisions of the criminal law of Belarus, which regulate the application of criminal compensation and have a number of positive features. In particular, the Belarusian legislator did not create a separate chapter devoted to criminal-legal compensation, but placed provisions on it in articles devoted to exemption from criminal liability in connection with active repentance and conditional conviction. In addition, the declaration of the goals of criminal law compensation, the fixing of the minimum and maximum amounts of this measure and the regulation of payment terms allow us to speak of a more detailed elaboration of the norms on criminal

compensation by the Belarusian legislator in comparison with the norms on a court fine in the Criminal Code of the Russian Federation. Based on the results obtained, solutions were proposed to the identified problems associated with the application of a court fine.

Belyaev Maxim Vladimirovich, No. 12 2017

On the properties of court decisions in criminal proceedings

Annotation. The article examines the properties of court decisions in criminal proceedings as acts of the judiciary, reflecting its main features. The conclusion is made that such properties are independent and independent character, situationality, purposefulness, objectivity, obligation, regulatory character, law enforcement character. Judicial decisions taken in the course of criminal proceedings, in their totality, must meet the requirements of the completeness of the judicial power - they must be taken in conditions when the court in the course of considering a criminal case or resolving a certain issue is not limited in procedural activity and the ability to carry out cognitive activity in full, is not is bound by the position of the parties in a criminal case, has proper procedural tools for exercising judicial control at all stages of criminal proceedings.

Court decisions in criminal proceedings act as means of implementing its functions of the court at various stages of the process, in a concentrated form reflect the entire process of criminal proceedings, reveal the logical activity of the court to establish the circumstances of the case and their legal assessment.

Judicial decisions ensure the achievement of the tasks of criminal proceedings in each specific case, streamlining the legal relations arising between the participants in the process, contributing to the protection of the rights and legitimate interests of the individual and public interests in criminal proceedings.

Drozdov Alexey Igorevich,

Orlov Alexey Viktorovich, No. 12 2017

EARLY RELEASE: CRIMINAL LEGAL AND CRIMINAL ENFORCEMENT ASPECTS

Annotation. The article analyzes the material criteria for assessing the degree of correction of prisoners sentenced to imprisonment according to a set of socially significant requirements necessary for a positive solution to the issue of parole from serving a sentence. The article provides statistical data on the number of those released from serving a sentence of imprisonment, on a parole petition. Conclusions are drawn about the reasons for the decrease in the total number of applications of convicts to imprisonment to the court with this petition. The article considers the problems of applying conditional early release from punishment in the form of imprisonment to convicts who have committed crimes of small and medium severity and who have been held in custody for a long time in pre-trial detention centers of the penal system. Proposals have been made to improve the legal regulation of the application of parole to this category of convicts.

Kosevich Ekaterina Yurievna , No. 12 2017

Mexico in search of UN Security Council reform

Annotation. The article provides a systematic analysis of the current position of Mexico in relation to the most complex and controversial reform of the UN Security Council, formed over the terms of several administrations, the continuity of which was preserved under the incumbent President Enrique Peña Nieto. The historical aspect of Mexico's membership in the UN, which ranks second in Latin America in terms of economic development (after Brazil) and is one of the founding states of this organization, the supreme carrier of modern international law, is given. The article provides international legal documents initiated and concluded with the active participation of this Latin American country on such issues as disarmament and denuclearization, a ban on the use of force and weapons in space activities, a moratorium on nuclear tests, arms trade, and the upholding of human

rights and freedoms. The special attitude of Mexico to the observance of the principle of non-interference in the internal affairs of states and increasing the transparency of the Security Council's activities is considered, the principled position of which is confirmed by a number of cases: regarding the Kosovo crisis, the adoption of the American version of the UN Security Council resolution on Iraq, while seeking a solution to the conflict in Syria.

Abramov N.S.

Zaplatina T.S. , No. 12 2017

The role of international legal status in the recognition of the qualifications of seafarers and workers of offshore oil and gas platforms in European Union law

Annotation . The purpose of the article is to analyze international legal norms that determine the status of seafarers and workers of offshore oil and gas platforms, as well as acts of the European Union that establish systems of professional recognition for certain professions. For this, methods are used: analysis, synthesis, comparison and description of legal norms. The problem of determining the international status of workers of offshore oil and gas platforms leads to a weakening of the provision of safety requirements at sea, hindering the labor mobility of citizens of these professions, as well as complicating professional recognition in the European Union. The study allows us to identify a cross-sectoral problem affecting the international and regional levels of regulation and propose ways to solve it .

Trubacheva Kristina Igorevna , No. 12 2017

Legal aspects of building relationships between the European Union and major international organizations

Annotation. The presented article examines the issues and legal aspects of building relationships between the European Union and major international organizations. The current difficult situation is complicated by the existing financial crisis. But, it is precisely this state of affairs that determines the importance of the positions taken by countries in the process of redistribution of benefits. Taking into account the existing circumstances, even developed states, in order to achieve their goals, have to unite in various international organizations. The European Union is today one of the largest suppliers of goods and services globally. Many financial, economic, political and many other tasks cannot be solved without taking into account his opinion. This does not exclude the fact that, while interacting with various international organizations, the European Union does not pursue its own goals and objectives.

Petina Maria Maksimovna , No. 12 2017

Constitutional complaint in the system of human rights protection in Russia

Resume: The article analyzes the institution of constitutional complaint as one of the means of protecting human rights and freedoms. The essential characteristics of this institution, the points of view of domestic and foreign researchers on the nature of a constitutional complaint, its types and key features are considered. The article analyzes the issue of consolidating the institution of constitutional complaint in Russian legislation, and also compares it with the experience of using this institution in foreign countries, including France. The development trends and the possibilities of modernizing the competence of the Constitutional Court of the Russian Federation at the present stage of development are noted. It is proposed to amend the current legislation of the Russian Federation in order to activate and increase the efficiency of the activities of the Constitutional Court of the Russian Federation and, in particular, in order to increase the level of protection of human rights and freedoms.

Patlaev Dmitry Evgenievich, No. 12 2017

Information and analytical work of the prosecutor in the implementation of prosecutorial supervision over the implementation of laws on land disposal

Annotation. In this article we address the issues of the organization and implementation of prosecutors and information analytical works within the prosecutor's supervision over the implementation of laws on the disposal of land. The concept of the organization of prosecutorial supervision in general, as well as in relation to the sphere of legal relations concerning the disposal of land, has been disclosed. For the first time in the science of prosecutorial supervision, the article identifies five main groups of sources for the prosecutor to obtain information on violations of laws in the management of land, the use of which will increase the effectiveness of supervisory activities. Under the proper information and analytical work, the author proposes to understand the collection, accounting, accumulation and analysis of information on the state of legality in this area of legal relations in order to determine the priorities of prosecutorial supervision, take measures to improve its effectiveness, formulate plans, high-quality preparation and conduct of inspections and application by prosecutors. appropriate response to identified violations.

Zhavoronkova Natalia Grigorievna

Vypkhanova Galina Viktorovna, No. 12 2017

CURRENT PROBLEMS OF IMPROVING STATE POLICY AND LEGISLATION IN THE FIELD OF USE AND PROTECTION OF WATER BIOLOGICAL RESOURCES

Annotation. The article contains an analysis of theoretical problems associated with the conceptual apparatus in the development of fisheries, fishing, use, conservation and protection of aquatic biological resources, which are of decisive importance for the improvement and implementation of state policy, as well

as legislation in this area. The characteristics of the fishery industry are given, which determine the complex intersectoral nature of the regulation of relations in this area by the norms of entrepreneurial, environmental, natural resource and other branches of law. The relationship between the concepts of "fish industry" and "fishing" is shown, their characteristic features are considered. The necessity of eliminating inconsistencies between the content of the legal concepts "protection", "reproduction", "rational use" of aquatic biological resources and the conceptual approaches used in defining the conceptual apparatus in environmental and natural resource legislation has been substantiated. The problems of ensuring the consistency of political and legal documents that determine the goals, objectives and main directions of state policy in this area, legislation and strategic planning documents are identified. Proposals for their improvement are substantiated.

Malyukova Olga Vladimirovna, No. 12 2017

Russian Philosophical Congress as a Model for the Development of Contemporary Russian Philosophy and Its Implementation in the Activities of the Ethical and Legal Club "Moral Dimension of Law" of the Department of Philosophy, Moscow State Law Academy

Resume: 25 years ago, a new modern era of Russian history began. The political system has changed, the country has changed, and philosophy itself has changed. In these circumstances, the philosophers, the majority - GUSTs of whom were professors of philosophy began to feel the urgent need for regular professional dialogue, in discussion of the accumulated theoretical and practical problems. New Russian philosophy needed new forms of organization, and the Russian Philosophical Society became such a form of organization of professionals in the field of philosophy. RFO and became the initiator of the Russian Philosophical Congresses. The first congress was held in 1997 in St. Petersburg. Since that time, the Congresses have become the most favorite meeting place for Russian philosophers, new philosophical relations arise there, new communications are built. Such congresses are the future of Russian philosophy.

Osavelyuk Alexey Mikhailovich, No. 12 2017

NOT ONLY SIBERIA WILL PROPOSE RUSSIAN LEGAL SCIENCE

Annotation. The article is based on the analysis of materials of the All-Russian scientific conference with international participation “Evolution of the Russian and foreign state and law. On the occasion of the 80th anniversary of the Department of History of State and Law and the Ural State Law University (1936–2016)” shows the main historical problems and the main stages and directions of their evolution, as well as ways to resolve them. Particular attention is paid to the consideration of the works of the scientists of the department of the anniversary - the history of state and law of the Ural State Law University.