Polyakov Maxim Mikhailovich, No. 6 2018

The history of countering corruption by prosecutors in public administration in pre-revolutionary Russia XVIII - early. XX centuries

Annotation: This article examines the key historical and legal aspects of combating corruption by prosecutors in the state administration of Russia. The author analyzes the main directions of the anti-corruption activities of the domestic prosecution authorities, starting with the reign of Peter I and up to 1917 inclusive. The article consistently outlines the most important stages in the formation and development of the powers of the prosecutor's office to prevent and suppress corruption in the government of pre-revolutionary Russia. There are excerpts from various legal acts and historical documents related to the implementation of anti-corruption by Russian prosecutor's office,

Arnautova Alexandra Alexandrovna, No. 6 2018 Genesis of examination of draft laws in Russia

Annotation: The article examines the history of the development of the examination of draft laws in Russia. It was revealed that legal expertise appeared earlier than other types of expertise of draft laws. The legal department under the Secretariat of the Presidium of the Supreme Soviet of the RSFSR combined the performance of two functions: the development of draft laws and their legal examination. The situation of refusal of legal regulation of the Supreme Soviet of the RSFSR was consolidated to carry out legal examination as one of the functions of the legal department, and the editorial and publishing department was entrusted with the obligation to conduct lexical examination. The "youngest" type of expertise is anti-corruption, conducted by the committees of the Federation Council since 2009. The history of the development of the examination of draft laws confirms the fact that

Voronin Maxim Valerievich, Okriashvili Timur Giorgievich, No. 6 2018

THE CURRENT STATE OF PRIVATE LAW IN RUSSIA: THEORETICAL AND LEGAL ANALYSIS

Annotation. The current state of private law as a mega-sphere of law is undergoing constant development. The purpose of the article is to consider the current trends in the development of private law in relation to the Russian legal system. The study identifies the historical prerequisites of the current state of private law in Russia, shows the significance of the doctrine of dividing law into private and public, conceptualized in legal science, and in its vein the problem of the modern measure of private law is formed.

The article examines contractual legal regulation as a means of concretizing law, examines the qualities of this regulation that contribute to the stabilization of economic relations in Russia. The paper studies the issue of the need for state regulation of private law relations, draws a conclusion about the positive impact of such regulation, examines the role of public law categories in the private law of Russia.

The discussion in the article is based on the principles of methodological pluralism and complexity, which allows us to cover the system of private law from different sides.

Kiselev Alexander Sergeevich, No. 6 2018

Modern theoretical approaches to the concept of an electronic state

Annotation. The article discusses the main approaches to understanding the "electronic state". The relevance of the research topic is determined by modern trends in the use of information technologies in the processes of interaction between the state and society. It is noted that the terms e-government and e-government are often used in the same sense. Based on the experience of scientists, it was found that these terms have different semantic content: e-government is a system that includes e-democracy, e-government and e-justice. In accordance with the author's vision, the main tasks of the electronic state are formulated. Conclusions are made about the

need to develop the idea of "electronic state" in the Russian Federation, taking into account modern development trends in world practice.

It was determined that the bureaucratic process, being an indispensable condition for the work of state structures, also has a negative impact on the interaction of authorities with the population, the business sector and with each other. Due to the use of e-government services, the terms for providing information are reduced and the volume of work of authorities increases, which can have a positive effect on the efficiency of the activities of many structures. Accordingly, the e-government in the future can solve the existing problems, as well as provideэкономическую продуктивность электронного управления, что особенно важно в современных условиях...

Udodova Maria Andreevna, No. 6 2018

The mechanism of the impact of judicial practice on legislation: to the problem statement in the modern theory of lawmaking

This article examines aspects of the impact of judicial practice on legislation. In view of the fact that the role of judicial practice for improving legislation is now steadily increasing, the author comes to the conclusion that it is quite possible to talk about the formation of a mechanism for the impact of judicial practice on legislation. When forming the corresponding mechanism, the author proposes to distinguish three successive stages, each of which consists of interrelated structural and functional elements. At the initial stage of the mechanism of the impact of judicial practice on legislation, it is supposed to identify a gap in law or the sphere of public relations, the normative regulation of which is absent in the legislation. In the process of formation of judicial practice, such imperfections in legislation are overcome, legal provisions are formulated, which in the future can be used in various ways to improve legislation. A collection of different wayssystematization of legal provisions forms the second stage of the mechanism. The final stage of the mechanism of influence of judicial practice on legislation is the consideration of judicial practice in the legislative process.

Efimov Dmitry Alexandrovich, No. 6 2018

Non-bank financial institutions: concept and role in the financial market of the Russian Federation.

Annotation. The article analyzes the main provisions of the legislation of the Russian Federation in the field of regulation of financial markets, and also considers non-bank financial organizations and their role in the financial markets of the Russian Federation. In 2013, Article 76.1 was introduced into the Federal Law of February 10, 2002 No. 86-FZ "On the Central Bank of the Russian Federation (Bank of Russia)", which establishes a list of activities carried out by non-bank financial institutions. At the same time, this list is inconsistent with the lists of other laws, thus giving rise to a legal conflict. As a result of the study, the author comes to the conclusion that until now in Russian legislation there is no single concept of a noncredit financial organization, as well as a list of organizations that, in the implementation of their professional activities,

Zarubin Alexey Valentinovich, No. 6 2018

Splitting the ownership right and share in common property

Annotation:legal practice often encounters the desire of the owner to split his right to a thing, forming shares, and to alienate them, or to split a share in the common property right for the same purpose. The possibility of splitting the right of sole property with the formation of common property is often called into question, since its occurrence is associated only with the receipt of an indivisible thing in the ownership of two or more persons. Other grounds, including such as division of law, are denied. In fact, the fragmentation of the sole property right by the unilateral expression of the will of its bearer is possible if this is associated with the simultaneous transfer of the newly formed share to a third party. Such an administrative action should be viewed as the alienation of a thing into the ownership of a collective, in which the former owner is a participant. Splitting of the share is also possible. Such an act should be regarded as expanding the circle of participants. To complete it, the consent of the entire team of co-owners is required.

Maria V. Kostareva, No. 6 2018

The basis of the right to a land plot provided for construction purposes: the problem of informed choice

Annotation: The reform of civil legislation provides for a change in the system of property rights, including the establishment of a number of rights to other people's things, a prominent representative of which is the right to build. According to the authors of the Draft Civil Code of the Russian Federation, lease for construction purposes is not able to meet the current needs of participants in civil turnover, in connection with which it is proposed to replace this legal structure. As an alternative to the contract of obligations, a limited real right is proposed - the right to build. The article analyzes the problems that exist today on the way of development of the construction market, namely: insufficient lease terms for the construction of an object, the breadth of administrative discretion in the issue of prolongation of the contract, the ease of termination of the tenant's rights and their extremely low "mortgage". It is concluded that the existing legal model for establishing rights to a land plot for construction purposes needs a significant revision. At the same time, the author draws attention to the need to take into account national characteristics and the inadmissibility of blind copying of the foreign legal structure of superficies. The author sees a possible solution to the problems existing within the framework of the existing model of relations in the field of construction in giving the tenant such a right to a land plot that meets the requirements of longterm, strength and "mortgage". Providing the tenant with a strong and understandable right in terms of content, which, in comparison with the existing lease right, will be more cost effective and stable, possibly both within the framework of the construction lease structure and within the framework of the building right. In the first case, it is assumed that the property-legal nature of the lease will be strengthened. In the second, the creation of such a limited property right, which will take into account the peculiarities of the national legal system.

Omarova Yulia Alilievna, No. 6 2018

FROMmeans of individualization of citizens

Annotation. An analysis of the means of individualization of citizens leads the author to the conclusion that it is necessary to further systematize the Russian legislation in force in this area. The work focuses on the history of the development of the domestic doctrine of civil law in terms of the evolution of the views of civil scientists on the legal essence, meaning and types of means of individualization. The use of social means of individualization of citizens in civil circulation, in general, is regulated quite fully, however, the use of biometric personal data needs more detailed regulation. The significant complication of social relations that has taken place in recent years and the emergence of new means of individualization of individuals require the legislator to develop a fundamentally new approach to the legal regulation of these issues.

The author also points out the possibility of using the achievements of the doctrine of the external appearance of a person in the civil legal framework. It is concluded that the further development of means of individualization of citizens is associated with the integration of certain provisions of legal, natural science and technical knowledge.

Dergunova Victoria Andreevna, Golubenko Konstantin Alexandrovich, Zakozhurnikova Diana Olegovna, No. 6 2018 Legal regulation of the procedure for the departure of minors from the Russian Federation

Annotation.The article identifies and analyzes the problems of legal regulation of issues related to the departure of minor children outside the Russian Federation. The authors believe that the parent's right to indefinitely, unreasonably and in fact categorically restrict the child from traveling abroad on the basis of only one of their will without notification and without taking into account the opinion of the second parent is a violation of Part 2 of Art. 27 of the Constitution of the Russian Federation, p. 1, 2 tbsp. 65 of the Family Code of the Russian Federation and abuse

of parental rights, actions to the detriment of the interests of a child who is legally deprived of the opportunity to fully defend their rights in court.

In this regard, the authors put forward proposals for reforming the current legislation in the field under study from the position of increasing guarantees of ensuring the rights and legitimate interests of children and with the aim of minimizing the possibilities for abuse of parental rights.

Otcheskaya Tatyana Ivanovna, No. 6 2018

Some procedural aspects

consideration in arbitration courts of cases of administrative offenses

Annotation: the article is devoted to the topical issue of consideration of cases of administrative offenses in arbitration courts. These cases are considered by arbitration courts and courts of general jurisdiction. At different stages of the development of procedural legislation, the attitude towards administrative disputes, which were the subject of consideration in courts of general jurisdiction and in arbitration courts, was ambiguous. The author sheds light on the evolution of this issue, analyzes the changing procedural legislation on it, gives judicial practice.

Briksa Ksenia Olegovna, No. 6 2018

Specific features of the innocent liability of entrepreneurs

Annotation. The scientific article describes guilt as a condition for the onset of civil liability of entrepreneurs. The study of the issue of the expediency of allocating guilt as a prerequisite for the onset of contractual liability The features of guilt as a condition for the onset of civil liability of legal entities engaged in entrepreneurial activity are revealed in the event that they include a condition on guilt in the contract as the basis for the onset of contractual liability. The psychological (subjectivistic) and behavioral (objectivist) concepts of guilt are analyzed, the conclusion is made that when defining guilt as an element of a civil offense, the behavioral approach should be considered more correct. The author investigated force majeure as a basis, exempting entrepreneurs from civil liability, identifies the signs of force majeure circumstances. Within the framework of the article, a comparative analysis of the concepts of "force majeure" and "case" is carried out. The question of whether it is possible to consider decisions of state bodies as force majeure circumstances has been investigated.

Ovchinnikova Natalia Alexandrovna, Katkova Victoria Vladimirovna, No. 6 2018

Features of the legal status of professional sports leagues

Annotation. This article is devoted to the analysis of innovations in the legislation of the Russian Federation in terms of regulation of elite sports and professional sports. The authors considered in detail the issues of the legal status of professional sports leagues as one of the main subjects of professional sports, including professional sports leagues, uniting both Russian and foreign professional clubs, as well as the procedure for their interaction with all-Russian sports federations, including in terms of the conclusion agreement on the delegation of rights to host championships, championships and cups of Russia. Particular attention in the article is paid to the problems of concluding agreements on the use of symbols and names of sports events by organizers of gambling in a bookmaker's office with subjects of professional sports,

Keywords: subjects of professional sports, professional sports leagues, professional sports competitions, professional sports clubs, international sports competitions, all-Russian sports federation, delegation agreement, organizers of gambling, symbols of sports events, the name of sports events, targeted deductions.

Mukhacheva Irina Mikhailovna, No. 6 2018

Application of the provisions of Part 3 of Art. 20 of the Criminal Code of the Russian Federation on "age immaturity" Annotation. The difficulty of distinguishing between mental retardation and limited sanity of minors is due to the coincidence of their intellectual and volitional signs, but the differentiation of such states is of great legal importance. The controversial issue of contradictions between the provisions of Part 3 of Art. 20 of the Criminal Code of the Russian Federation, which excludes the criminal liability of a minor due to his lagging behind in mental development, and Art. 22 of the Criminal Code of the Russian Federation, according to which a minor with a mental disorder that does not exclude sanity is subject to criminal liability, and compulsory medical measures can be applied to him. Possible ways to eliminate the contradiction between Part 3 of Art. 20 and Art. 22 of the Criminal Code of the Russian Federation, on the one hand, and limited sanity, on the other hand. It is concluded that the term "age-related immaturity" corresponds more precisely to the concept of "mental retardation not associated with a mental disorder".

Karimova Yulia Vladimirovna, No. 6 2018

Determination of the object of obstruction of the legitimate professional activities of journalists

Annotation. The article examines the problems of determining the object of obstruction of the legitimate professional activities of journalists in the context of the current criminal law, providing for the offensive of criminal responsibility for this crime (Article 144 of the Criminal Code of the Russian Federation). The different points of view that characterize the object of the crime under Art. 144 of the Criminal Code of the Russian Federation, namely, considering freedom of the media, professional rights of a journalist, etc. as an object of crime. An attempt is made to study this act from the point of view of a multi-object crime. The article analyzes the criminal-legal significance of this object for law enforcement officers at the present time. The article describes the subject of a victim of a crime, enshrined

in Art. 144 of the Criminal Code of the Russian Federation. Based on the analysis of Art. 144 of the Criminal Code of the Russian Federation, the author's definition of the main immediate object, as well as the victim of a crime, provided for by the investigated article of the Criminal Code of the Russian Federation, was developed. A new wording of the disposition of Art. 144 of the Criminal Code of the Russian Federation.

Rossinsky Sergey Borisovich, No. 6 2018

Discussion about the essence and legal nature of the arrest of a suspect continues ...

Annotation. This article continues the author's scientific polemic with wellknown Russian process scientists - professors S.A. Sheifer (1924–2017) and A.A. Tarasov on the essence and legal nature of the detention of a suspect in a criminal case.

One of the reasons for the current discussion, the author reads the heterogeneity of doctrinal and legislative approaches to the categories of "investigative actions" and "detention of a suspect."

In this regard, the article proposes a way out of the current situation, allowing to reconcile different points of view and giving impetus for the further consolidated development of the theory and practice of arresting a suspect. The author believes that these points of view are not contradictory, but only characterize different stages or manifestations of the same complex legal phenomenon. Therefore, the detention of a suspect should be considered as a multifaceted, multi-level doctrinal and legal category, which is the subject of various sciences of the legal cycle and an element of various spheres of legal regulation.

Markaryan Elvira Sergeevna, No. 6 2018

The specifics of conducting an investigative examination in the investigation of crimes committed with the use of cryptocurrencies

Annotation: the presented article analyzes features of the production of an investigative examination in the investigation of crimes committed with the use of

cryptocurrencies. The objects to be examined are determined, forensic recommendations are proposed to increase the efficiency of the results of its conduct and measures to ensure the safety of the data obtained. It is noted that non cases of crimes committed with the use of cryptocurrencies, the location address of an individual or organization and the location of the hardware and software used may be the scene of the incident. The specificity of the examination of objects and documents in cases of crimes committed with the use of cryptocurrencies is that, as a rule, the service logs of system and application programs, wallet programs used to carry out transactions, as well as wallet.dat files or others are subject to inspection. containing information about wallets. During the inspection, it is necessary to pay attention to the fact that the personal computer will be the most important source of forensically significant information in view of the specifics of the crimes committed.

Rozhkova Ksenia Olegovna, No. 6 2018

Restrictions on the autonomy of the will of the parties in the choice of applicable law in economic relations complicated by a foreign element

Annotation: The principle of the autonomy of the will of the parties is a fundamental principle of private international law, as well as the main, preferable, conflict of laws binding, which ensures the parties to a legal relationship full and foreseeable legal regulation and relieves the court of the need to directly resolve the conflict of law issue and the accompanying legal problems.

Non-recognition of lex voluntatis by states is fraught with slowing down the development of both domestic and world economies, but at the same time, the absence of restrictions on the principle of private law will inevitably lead to unfair behavior of economic entities, abuse of rights and upsetting the balance of private and public interests in society.

There is a need for sufficient restrictions on the autonomy of the will of the parties in the choice of the applicable law, allowing to achieve a "golden mean" in the legal regulation of relations complicated by a foreign element, and they are a set of temporal, spatial and substantive limits of the principle under consideration.

Chereshneva Irina Anatolyevna, No. 6 2018

Territories with special regime for doing business: the experience of China

Annotation. The article examines the experience of China in the context of the legal regulation of the institution of special (special) economic zones? analyzes the measures taken by China to attract foreign investment by creating "enclaves" of a market economy on the territory of socialist China, using strategies of public administration and spatial development of the economy. The author examines incentives (a different set of benefits and preferences) and restrictive (closed list) exemptions, which are part of a special (special) regime for carrying out entrepreneurial activities in effect on the territory of special economic zones. According to the author of the article, China's focus on the development of innovations was expressed in the implementation of the cluster approach, including the example of experimental free trade zones.

Sushina Tatiana Evgenievna, No. 6 2018

Objects of prosecutor's supervision over the execution of laws: transformation of concepts

Annotation: The article is devoted to one of the basic questions of the theory of prosecutorial supervision, associated with the definition of the range of objects supervised by the prosecutor. On the basis of a comparative analysis, it was concluded that, despite the external similarity, the current range of objects of prosecutor's supervision differs significantly from the objects of prosecutor's supervision in Soviet times. The necessity of developing a scientific classifier of objects of prosecutor's supervision has been substantiated. One of the variants of classification of objects of prosecutor's supervision according to the degree of state involvement in the regulation of public life has been developed. Within the framework of this classification, the objects of prosecutorial supervision are proposed to be grouped into the following groups: state authorities at the federal and regional levels; public-private partnership bodies; civil society institutions in terms of performing functions delegated by the state; governing bodies of business communities. This classification successfully combines the features of the current state administration and the features of modern methods of state regulation (imperative and dispositive).

Bogolyubov Sergey Alexandrovich Krasnova Irina Olegovna, No. 6 2018

The Law and Rescue of the Nature of the Russian Arctic

Annotation. The article is devoted to the issue of creating a legal basis for environmental protection in the Russian Arctic. The author describes the state of legal regulation, which is assessed as fragmentary, does not reflect the natural features of the unique and unified ecosystem of the Arctic and is not capable of ensuring the ecological development of the region. The authors critically analyzed the official concepts of the draft laws on the Arctic zone, the current environmental legislation. A proposal has been formulated to adopt a separate law on environmental protection in the Arctic zone, and, taking into account effective foreign approaches and the needs of Russia, its content has been determined.

Zhavoronkova Natalia Grigorievna Agafonov Vyacheslav Borisovich, No. 6 2018

Current state and prospects for improving legislation in the field of granting the right to use subsoil plots and environmental protection in the Arctic zone of the Russian Federation

Annotation. The article examines the current state and prospects for improving legislation in the field of granting the right to use subsoil plots and environmental protection of the Arctic zone of the Russian Federation. A conclusion is made according to which the special legal regime of these territories determines the specifics of granting the right to use subsoil and their special protection. It is proved that the sustainable development of this region in the long term is impossible without the widespread use of methods of economic and tax incentives, the use of public-private partnership mechanisms that provide for the implementation of promising infrastructural, social, innovative, environmental and other projects in the use of subsoil.

Voronina Natalia Pavlovna, No. 6 2018

Regulatory support for the development of agricultural cooperation in the constituent entities of the Russian Federation as a direction of state agrarian policy

Annotation: In modern socio-economic conditions, the main vector of the state agrarian policy is to ensure food security. Production, processing, transportation, storage and sale of agricultural products are possible through economic cooperation of various types of agricultural producers. The integration mechanism is agricultural cooperatives. Their development is impossible without the creation of legal, economic, organizational and other conditions of activity. State support is carried out at the federal, regional and municipal levels. Regulatory support for the development of agricultural cooperation at the regional level is the most important direction in the implementation of state agrarian policy. As the rulemaking practice shows, only 1/4 of the constituent entities of the Russian Federation adopted strategic planning documents aimed at the development of agricultural cooperation as an independent subject of state support. In other constituent entities of the Russian Federation, one can observe the fragmentation and inconsistency of normative legal acts regulating state support of agricultural cooperatives. The purpose of this article is through the prism of comparative legal analysis of regional models of regulatory support for the development of agricultural cooperation to formulate a conceptual approach to regional rule-making in the field of agricultural cooperation. In other constituent entities of the Russian Federation, one can observe the fragmentation and inconsistency of normative legal acts regulating state support of agricultural cooperatives. The purpose of this article is through the prism of comparative legal analysis of regional models of regulatory support for the development of agricultural cooperation to formulate a conceptual approach to regional rule-making in the field of agricultural cooperation. In other constituent

entities of the Russian Federation, one can observe the fragmentation and inconsistency of normative legal acts regulating state support of agricultural cooperatives. The purpose of this article is through the prism of comparative legal analysis of regional models of regulatory support for the development of agricultural cooperation to formulate a conceptual approach to regional rule-making in the field of agricultural cooperation.

Kobzeva Svetlana Ivanovna, Krylov Konstantin Davydovich, Morozov Pavel Evgenievich, No. 6 2018 Towards the development of legal guidelines for the development of labor and social security

Annotation. The article highlights scientific discussions held within the framework of the Moscow Legal Forum on international initiatives for the future development of labor law and social security law. In preparation for the 100th anniversary of the ILO, the scientific community is discussing issues of promoting decent inclusive employment, regulating labor relations in the public service, preventing violence and harassment in the workplace, and the priority of implementing international labor standards in Russian law.

Poduzova Ekaterina Borisovna, No. 6 2018

School of Young Scientists "Transformation of the Institute of Legal Responsibility in Changing Social Practice", O.E. Kutafina (Moscow State Law Academy), January 29 - February 2, 2018

Annotation. The article provides an overview of the content and results of the event: School of Young Scientists "Transformation of the Institute of Legal Responsibility in Changing Social Practice", held at the University named after O. Ye. Kutafina (Moscow State Law Academy) from January 29 to February 2, 2018

The relevance of the chosen scientific and practical direction, goals, tasks of the Winter School of Young Scientists - 2018 are presented.

This article discusses the main aspects of the speeches of the leaders of the School, as well as lectures and practical classes by leading Russian legal scholars who participated as teachers and moderators of the events of the Winter School of Young Scientists - 2018.

During the Winter School of Young Scientists - 2018, special attention was paid to individual and collective research by its participants, young scientists. Presentations and organization of discussions of the School participants, dedicated to the goals, objectives, conduct and implementation of individual and collective scientific research, took place on the first and final days of the Winter School for Young Scientists - 2018.

Artemov Vyacheslav Mikhailovich, No. 6 2018

The State as an Imaginary Reality: A Comprehensive Historical and Philosophical Study. Review of the monographic publication: I.A. Isaev Imaginary statehood. Space without territory. M .: RG-Press, 2018 .-- 224 p.

Annotation. Review of the monograph by I.A. Isaeva "Imaginary statehood. Space without territory ", published in 2018 by the publishing house" M .: RG-Press "(224 p.), Is associated with the coverage of a rather rare phenomenon. The point is that some specialists who have a legal education sometimes manage to create works that have a serious philosophical depth and a wide world outlook. The presented text is precisely related to the latter. Its author convincingly, using numerous historical, theoretical and literary examples, shows that it is the phenomenon of an imaginary state that acts as a kind of "red line" in the history of socio-political thought, and therefore an existing reality that grows out of myth no less than out of truth. ... There are quite a few actually philosophical searches and conclusions. This, for example, the original view, according to which there is a political and legal dimension in the metaphysical reflections of the ancients.I.A. Isaev demonstrates a negative attitude to the one-sidedness of legal positivism, an understanding of the importance of the moral factor for a person, society and the state.It is a holistic and

engaging exploration characterized by depth of content, variety and vibrancy of form.

Bartsits Anri Lvovich, # 6 2018

Review of the monograph by A.L. Sergeeva "Russian statehood in the 21st century: the main problems." M .: Prospect, 2016.

Annotation. This article is devoted to the review of the monograph by A.L.Sergeev "Russian statehood in the 21st century: main problems". In this book edition, the concept of a multidimensional political and legal phenomenon of statehood is given and its structural elements are analyzed. A strong feature of the research is the interdisciplinary nature of the monograph and the study of the problems of Russian statehood at the intersection of law, politics, ideology and philosophy. The book also has some shortcomings. The corresponding remarks are given in the article, but in general the work is of a high-quality scientific nature. Acquaintance with it will be useful for students, graduate students, university professors and everyone interested in political and legal issues.