Kolotkov Mikhail Borisovich, No. 7 2018

Organizational and legal transformations in the Ministry of Internal Affairs of the Russian Empire in the late 19th and early 20th centuries

Annotation. The article examines the organizational and legal transformations that took place in the Ministry of Internal Affairs of the Russian Empire at the turn of the XIX-XX centuries. During this period, the Russian government continued its course of consistent reform of the Ministry of Internal Affairs in general and the system of political investigation in particular. Special attention is paid to the process of redistribution of powers among positions from among the leadership of the Ministry of Internal Affairs. Attention is drawn to the actualization of the problem of determining the time of termination of the validity of normative legal acts and, as a consequence, the loss of their legal force. The article concludes that the lack of a systematic and uniform approach in defining the boundaries of the effect of normative acts in time is one of the problems of the Russian legal system of the late 19th century. Established that the main reason for the constant redistribution of functions between the Minister of Internal Affairs and his comrade was the subjective approach of specific individuals who at different periods held the post of minister. The categories of expediency and normative guidelines were gradually distorted, the individual interests of the individual came to the fore, which, of course, did not contribute to improving the quality of the work of the Ministry of Internal Affairs.

Sidorkin Alexander Ivanovich,
Zeynalov Roman Gennadievich, No. 7 2018

Understanding the term "codification" in the Baltic legal thought of the 19th century

Annotation. The problem of understanding the processes of codification by the doctrine of law in the Baltic provinces of the Russian Empire is analyzed. Taking into account the significant influence of German legal thought on the legal doctrine

of the Baltic provinces, the views of German jurists are also examined. It has been established that the characteristic features of codification in German jurisprudence already in the 19th century were formulated in a similar way to modernity. As in modern times, in the 19th century, codification appeared to be a complete process and both formally and materially updated legislative material. Along with codification, no other sources of law, including customary law, were supposed to operate. As a result, the uncertainty of the general legal tradition was eliminated and, among other things, comprehensive clarity was achieved. At the same time, it is recognized that representatives of the Baltic legal thought, despite the German influence, they understood the processes of codification based on their own ideas, which, often, did not correspond at all with the German doctrine, but were more consistent with the general imperial Russian view of these phenomena. It is argued that the processes of systematization and codification of Eastern law stimulated the further development of legal thought, both on the scale of the Russian Empire, and in particular in the Baltic states. The situation considered in the study, according to the authors, indicated only one thing. In the 19th century, law begins to be formed not by practitioners or legal scholars (theorists), but by the legislator (or the bodies provided for and appointed by him). The codification of Eastern Law entailed changes for the various sources that were still in force. Moreover, these processes were characteristic not only of the Baltic States, but were observed throughout Europe. Codification becomes the main, if not always and everywhere, the only source of law. Thus, the need for a general teaching about the sources of law and common law was lost.

Dadashev Musa Bakhtiyar oglu, No. 7 2018

Institution of Guardianship in Muslim Family Law of the Early Middle Ages

Annotation. This scientific article will focus on the rights of the child and parents in Muslim family law of the early Middle Ages and its formation in the VIII-

X centuries. The key rights of the child were detailed and clarified: the right to life, the right to a name, the right to nafaka - the right to material security, the right to know one's ancestry, the right to breastfeeding and the right to education (al-Hidana). In addition, the classification of these rights is given: basic, financial and economic, religious and ethical. The issue of the ban on adoption is considered and the definition of an orphan (yatim) in Muslim family law is given, the features of the status of orphans are shown, a mechanism for protecting the property rights of orphans, the rights and obligations of guardians in relation to orphans and their property, the powers of a qadi (judge) in the issue of protecting the rights of orphans are given , types of guardianship. The reasons and procedure for deprivation of guardianship are also considered. In addition, the property rights of parents in relation to children have been demonstrated.

Volodina Svetlana Vyacheslavovna, No. 7 2018

Legal trust as the basis for the stability of the right-wing system of society: the Russian dimension

Annotation. The article analyzes legal trust - the most important dimension of social trust. Trust in law is a multidimensional and complex phenomenon, determined not only by the effectiveness of the work of legal mechanisms, but also by the conditions and factors inherent in a particular society. The author examines such aspects as the consistency of legal trust, the mutual influence of interpersonal and institutional trust in the legal space, the relationship between trust and distrust.

Based on the results of the study, the author comes to the conclusion that trust is a key resource that objectively determines the dynamics of legal consciousness and behavior. The more a person sees examples of the effectiveness of the legal system, law enforcement practice, the more his confidence is strengthened not only in law and its elements, but also in the political order as a whole. In this respect, legal trust is a more institutional, organized type of social trust. A high level of public confidence in the authorities is able to minimize the risks of imperfection of the legal system, but it should not replace it.

Alexandrova Marianna Artemovna, No. 7 2018

Application of legal positions of the Constitutional Court of the Russian Federation

Annotation. The article is devoted to the difficulties faced by law enforcement officers in the implementation of the legal positions of the Constitutional Court of the Russian Federation. This problem is especially actualized in those cases when they are contained in the rulings of the Constitutional Court of the Russian Federation and contradict the formal legal interpretation of the contested norms of law, carried out by the courts when making decisions: refusing to accept an appeal for consideration, the Constitutional Court of the Russian Federation often in legal positions actually sets out the answer essentially treatment in their legal positions. At the same time, the Constitutional Court of the Russian Federation itself is not bound by its legal positions, which entails the presence in its practice of decisions with different legal positions on the same subject of appeal. Examples from criminal procedure and criminal executive law are considered. The ways of overcoming the problem of non-compliance with the legal positions of the Constitutional Court of the Russian Federation and its decisions in general are proposed.

Anatoly N. Rykov, No. 7 2018

Some problems of the territorial organization of public authority in the constituent entities of the Russian Federation

Annotation. The article discusses the issues of the composition of territories and boundaries of administrative-territorial units, and the analysis leads to the conclusion that in today's Russian legal reality, the differences between the municipal-territorial and administrative-territorial structure of a constituent entity of the Russian Federation are formal and, in a sense, artificial. ... But at the same time, defining a number of important issues of human life as a range of tasks solved at the level of local self-government, that is, in fact, proceeding from the constitutional understanding of local self-government and inviting residents (citizens) to solve them themselves, the federal legislator does not endow the local population with

mechanisms for implementation their rights to local self-government, and also does not endow the bodies of local self-government with appropriate powers. Territorial subdivisions of public authorities exercising their powers in the territories of municipalities are not accountable to local governments in any way. The general conclusion is that, formally, public power in a settlement belongs to residents and is exercised by them through local self-government, but in fact it belongs (and is exercised) by local government bodies that exist in a state of "separation" from local residents.

Yakushova Ekaterina Sergeevna, No. 7 2018

Unification of conflict of laws rules in the field of adoption

Annotation. The article examines the institution of international adoption both within the framework of domestic legislation and by means of international legal regulation. The mechanism of unification of conflict of laws rules in the field of foreign adoption contributes to the greatest extent to the protection of the rights and interests of the adopted child.

The author refers to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, concluded in Minsk on January 22, 1993. It reflects the subordination of adoption and its cancellation to the legislation of the adoptive parent's citizenship, as well as the conditions accompanying this provision.

The importance of concluding bilateral international agreements on adoption is analyzed. The author reveals the content of international treaties. For example, the Treaty between Russia and Italy focuses on the selection of candidates for adoptive parents.

A prerequisite for parents is the registration of the adopted child at the consular office of the state of origin. The child receives dual citizenship and can use all the same rights and protection methods as other children who have the status of a citizen on the territory of the receiving state.

The ban on the adoption of Russian children has been established only in relation to US citizens; it does not in any way affect Russia's international cooperation with other foreign states.

The author sees as unconditional the inclusion of conflict-of-laws rules on international adoption into legal aid treaties. He considers it important for cooperation between states in this area, as well as an excellent basis for the further conclusion of bilateral agreements regulating exclusively foreign adoption.

Roor Kristina Aleksandrovna Legal Adviser, No. 7 2018

The concept and essence of estoppel

Annotation: The article discusses the issue of determining the legal nature of the prohibition on changeable behavior committed with an illegal purpose. The study is based on the analysis of the operation of specific principles of civil law in the establishment of estoppel. It is concluded that the estoppel is based on the operation of several principles of civil law, and the main one is the principle of good faith. The estoppel rule demonstrates the lack of consistency of the principles of civil law, when their competition with each other is allowed. The article provides an overview of the opinions regarding the definition of estoppel, expressed in the Russian scientific literature. This is necessary to solve the problem of the implementation of the norms on estoppels in the Russian legal system, since the legislator has taken the path of securing certain types of estoppels, and not the formulation in the Civil Code of the Russian Federation of a universal rule prohibiting changeable and evasive behavior. The author proposes an independent in its development definition of estoppel as a universal category.

Ilyichev Petr Andreevich, No. 7 2018

Ensuring good faith in arbitration proceedings

Annotation. This article is devoted to some aspects of ensuring good faith in arbitration proceedings when considering civil cases within the framework of the institution of arbitration proceedings in terms of ensuring the rights and legitimate interests of third parties who are not parties to the arbitration proceedings, taking into account the reform of the legislation on arbitration courts. The article analyzes the problem that occurs in law enforcement practice, when participants in civil turnover with the aim of causing harm to the rights and legally protected interests of

third parties, using the mechanism of arbitration, confirm an artificially created debt arising from a non-existent contractual obligation. The author, based on the analysis of scientific doctrine and judicial practice, including the legal positions of the Supreme Court of the Russian Federation,

Zakaryaeva Maryam Magomedovna, No. 7 2018

Persons interested in cases on recognizing a citizen as missing and declaring him dead

Annotation. The article is devoted to the analysis of the norms of Art. 276 of the Civil Procedure Code of the Russian Federation, which states that an application for recognizing a citizen as missing or declaring a citizen as dead is submitted to the court by an interested person. The author examines the question of the relationship between the concepts of "interested person" and "applicant" and comes to the conclusion that a characteristic feature of "interested parties" is the presence of a legal interest. In turn, the “applicant”, having a legal interest, applies to the court with an application for recognizing a citizen as missing or declaring him dead, since he cannot otherwise overcome the legal anomaly formed due to the long absence of the citizen. Thus, the applicant is among the interested parties. The author concludes that, as an applicant, in this category of cases, the employer of the missing citizen may also act. Also, the interested parties should include the missing citizen, who must be notified of the time and place of the court session.

Mikryukov Viktor Alekseevich, No. 7 2018

On intersectoral analogy in the practice of overcoming gaps in the legal regulation of the payment of "golden parachutes"

Annotation. The author of the article substantiates the advantages of using the method of intersectoral analogy by the courts and the appropriate use of worked out civil law mechanisms within the framework of gap labor relations associated with the need to exercise judicial control over the amount of compensation payments in case of early dismissal of managers, their deputies and chief accountants of organizations in cases where such dismissal occurs in the absence of the employee's

guilty behavior in connection with a change in the owner of the property of a legal entity or persons controlling the organization

The author recognizes the absence of clear regulatory parameters for determining the limits of freedom to establish the amount of such compensation, legal uncertainty about the need for preliminary approval and the possibility of subsequent challenge of the agreements on "golden parachutes" by the beneficiaries of the organization as the most significant legal gap in the area under study.

Due to the fact that a high degree of similarity of the transaction regime and labor agreements of top managers was established in terms of the approval of "golden parachutes" and a significant legal similarity of "golden parachutes" with civil compensation paid to the creditor when the debtor exercised the right to unilateral waiver was found. fulfillment of the obligation, the author insists on doctrinal support for applying to labor agreements on "golden parachutes" in the manner of an intersectoral analogy of the rules on challenging large transactions and (or) interested-party transactions, as well as the corresponding application in the framework of the labor disputes under consideration of the mechanism of judicial reduction of abusive civil law compensation.

Valentina Levochko, No. 7 2018

Enterprise as an Object of Civil Rights in Subsoil Use: Problems and Prospects

Annotation. An enterprise as an object of civil rights is a universal legal structure. When adopting part of the first Civil Code of the Russian Federation, it was assumed that the enterprise would be the main object of civil business turnover. However, the introduced legal regime of the enterprise did not live up to expectations. The study of theoretical ideas about the legal essence of an enterprise as an object of civil rights shows a lack of consensus among modern representatives of civil law. The most reasonable and logical approach to the development of legislation in this matter is reduced to the allocation of the generic category "property complex" and the introduction of distinctive features in relation to its types, including the enterprise.

Analysis of the legislation on subsoil and judicial practice substantiates the prospects for using an enterprise as an object of civil turnover in the field of subsoil use, since its legal structure allows combining heterogeneous property rights for their effective turnover, which in a certain part will solve the problem of the separate fate of rights to a subsoil plot and property, as well as the problem of the legal form of the transfer of the right to use subsoil in certain cases.

Abbyasova Aisylu Fyaimovna, No. 7 2018

Procurement from a single supplier

Annotation. Along with the Federal Law of 05.04.2013 No. 44-FZ "On the contract system in the procurement of goods, works, services to meet state and municipal needs"[1](hereinafter - Law No. 44-FZ) regulating the procurement activities of budget-funded companies that are wholly owned by the state to meet state and municipal needs, from January 1, 2012, the Federal Law No. 223-FZ dated July 18, 2011 “On the procurement of goods” came into force , works, services by certain types of legal entities "[2](hereinafter referred to as Law No. 223-FZ), dedicated to the regulation of procurement by state-owned companies with state participation. Having established only a number of peremptory norms, the legislator in Law No. 223-FZ limited himself to specifying the general principles and objectives of such purchases, implying that the details of the procurement organization will be settled in the procurement provisions by the customers themselves. The author concludes that the arguments that prompted the legislator to create only a framework law gave rise to new problems associated with ineffective spending of funds when concluding a number of contracts with a single supplier (performer, contractor).

Grin Elena Sergeevna

[1]Federal Law of 05.04.2013 No. 44-FZ "On the contract system in the procurement of goods, works, services to meet state and municipal needs" // Rossiyskaya Gazeta. 2013.12 April.

[2]Federal Law of 18.07.2011 No. 223-FZ "On the procurement of goods, works, services by certain types of legal entities" // Rossiyskaya Gazeta. 2011.22 July.

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Alekseeva Valentina Aleksandrovna, No. 7 2018

Organizer of the creation of a complex object of intellectual rights: problems of theory and practice

Annotation. In the Russian Federation, the person who organized the creation of a complex object is not the author of such an object. Traditionally, in civil law, a triumvirate of authors of a complex object is distinguished, using the example of one of its types - an audiovisual work. The authors are the stage director, screenwriter and composer who specially created the music for this work. However, in the foreign legislation of some states, a different approach to this issue is enshrined. In the article, using the example of such a subject as a producer, the problem of determining his legal status is considered, since in the countries of the Anglo-American legal system, the producer is recognized as the authors of the film. The article notes that the person responsible for organizing the process of creating such an object, in particular the person,

Domovskaya Ekaterina Vladimirovna, No. 7 2018

Methods for creating complex copyright objects and disposition of rights to them

Annotation. The scientific and technological revolution that took place in the 20th centuries led to the emergence of new types of objects of intellectual property rights, at the same time giving rise to the need for their legal regulation. The article examines the nature of a complex copyright object, as the most popular and attractive

from an economic and commercial point of view. The author pays special attention to studying the order of disposal of a complex copyright object, the legal structure of which determines the specifics of legal regulation in the field of disposal of rights to complex objects. The article contains an analysis of the special mode of creation, use and disposal of various independent objects created to achieve one goal. Based on the studies carried out, it is concluded that

Abalduev Vladimir Alexandrovich, No. 7 2018

Procedure and terms of payment of wages

as a guarantee of workers' rights: new legislative solutions are needed

annotation... Russian legislation regulating the procedure and terms of remuneration is of fundamental importance for ensuring the property rights of employees. However, it is not devoid of shortcomings, which are manifested in the content of the norms provided for in Article 136 of the Labor Code of the Russian Federation. Some of the legislator's miscalculations, in terms of specifying the timing of the payment of wages, were eliminated by the Federal Law of July 32016 year... No. 272-FZ. At the same time, there are gaps and issues that need more precise, complete and uniform regulation. This causes difficulties in the application of Art. 136 of the Labor Code of the Russian Federation by employers, generates contradictions in the activities of state supervision bodies and in judicial practice.

An analysis of the law and the modern experience of its implementation made it possible to identify uncertainty and other omissions in the regulation of the payment of earnings at the local level, in the documentation of such payments, in the requirements for the composition of payment for each half of the month and other more specific aspects of this group of relations. These problems cannot be eliminated by the clarifications of the federal labor administration. They require a revision of the norms of the Labor Code of the Russian Federation. A substantiation of such changes is given and a draft of a new edition of Article 136 of the Labor Code of the Russian Federation is proposed.

Darbinyan Tigran Artyushovich, No. 7 2018

Job description as a way to determine the employee's job responsibilities

Annotation: The problem of the lack of a clear understanding of the legal nature of the job description of an employee in legislation and law enforcement practice is considered. The priority of the terms of the labor contract on the labor function in relation to the job description is substantiated, including in disputes related to the establishment and change of the labor duties of the employee. The labor duties of the employee are considered as a structural element of the terms of the employment contract on the labor function. The right of the employer to determine the labor duties of the employee at his own discretion is substantiated. At the same time, the criteria that limit this right are highlighted. On the example of law enforcement practice, the authors also considered the features of the use of qualification reference books when establishing the labor duties of an employee. It is proposed to clarify some norms of the Labor Code of the Russian Federation, namely, Art. 21 and 22, indicating the establishment of labor obligations by the employer. These measures will help to avoid conflicts that arise in connection with the definition and establishment of the employee's job responsibilities.

Novradova-Vasiliadi Stella Mikhailovna, No. 7 2018

Experience in improving legislation on working hours in the European Union and its individual countries

Annotation. The article examines the legislation on working hours of the European Union. The author analyzes the fundamental acts regulating working hours within the European Union. Particular attention is paid to the analysis of the norms directly related to the working time regime, enshrined in the European Social Charter, the Charter of the European Union and the Directive of the European Parliament and Council. The article provides a comparative legal analysis, examines the provisions on the regulation of the institution of working time that are uniform for all member states, which represent the minimum level of guarantees of workers' rights, which must be observed by each country of the European Union. The article

examines the regulation of labor legislation on working hours in the countries of the European Union (on the example of Germany and Greece). In addition to standard working hours, the author highlights non-standard working hours in the labor legislation of the European Union countries. After studying the legislation on working hours of the EU countries, the author draws final conclusions.

Blagov Evgeny Vladimirovich, No. 7 2018

Grounds for exemption from criminal liability

annotation: the article is looking for a reason, a sufficient reason to justify exemption from criminal liability. In the criminal law literature there are numerous solutions on this issue, but the bulk of them alone cannot explain why a person is exempted from criminal liability. The author comes to the conclusion that the basis for such release must be sought in the identity of the perpetrator. According to the current criminal legislation, only the disappearance or a significant reduction in the public danger of the person who committed the crime can justify the release from criminal liability. In the future, the relevant provisions of the criminal law should be formulated so that the basis for this release was only the disappearance of the public danger of the person. Accordingly, art. 76. 2 and part 1 of Art. 90 and, on the contrary, the inclusion in the chapter on exemption from criminal liability of the relevant provisions of Art. 80.1 and part 1 of Art. 81 of the Criminal Code of the Russian Federation.

Permilovskaya Evgeniya Anatolyevna, No. 7 2018

Imposition of Punishment in the Form of Restriction of Freedom

Annotation. The introduction of restriction of freedom into the domestic system of criminal penalties is fully consistent with the trend of humanization of modern Russian criminal and penal policy. However, the effectiveness of this punishment depends not only on the creation of proper conditions for its execution, but also on the correct application of the norms of the criminal law in its appointment. Unfortunately, in practice, mistakes are often encountered when the courts establish specific restrictions and obligations for those sentenced to restriction

of freedom. In the presented article, the author, on the basis of an analysis of the existing judicial practice, identifies errors that arise when imposing a punishment in the form of restriction of freedom. Particular attention is paid to the need to take into account by courts when passing a sentence, not only the criminal law, but also the social characteristics of the convicted person.

Tarasova Yulia Evgenievna, No. 7 2018

Evolution of views on the concept of multiple crimes in Russian criminal law science

Annotation: The Criminal Code of the Russian Federation does not contain the concept of a plurality of crimes. At the same time, the institution of a plurality of crimes occupies a significant niche in Russian criminal law, and a clear understanding of its essence is extremely necessary for the correct qualification of criminal acts and the formation of sound law enforcement practice. The article examines and analyzes the main views of Soviet and modern Russian researchers on the issue of the concept of a plurality of crimes, as well as presents and analyzes some positions of foreign criminal legislation on the issue under consideration, based on the results of the analysis obtained, the author's concept of a plurality of crimes is formulated, in the author's opinion, which reflects as much as possible the essence institute.

Isyutin-Fedotkov Dmitry Vladimirovich, No. 7 2018

Concept and essence forensic personality study

annotation... The article examines and analyzes various opinions about the category of "forensic study of personality". From the point of view of the Russian language, the various meanings of the term "study" fully and multifacetedly reflect the activities of the investigator to study the personality in the course of sufficiently

disclosing and investigating crimes. It is concluded that the forensic study of personality can be considered as a process, theory (teaching) and a section of forensic science (academic discipline, special course). In this regard, the definition of the concept of "forensic study of personality" depends on the understanding of its essence. Forensic study of personality as a process for the study of personality is associated with activity. The forensic study of personality as a theory (doctrine) is associated with objective laws that make up the subject of forensic science. Forensic study of personality as a section of forensic science (academic discipline, special course) is based on a theoretical basis, on the basis of which the techniques, methods, methods of studying personality are learned. The final goal of the forensic study of personality is to solve the problems of disclosing and investigating crimes. The author's definitions of the concept of “forensic study of personality” are offered.

Bekyashev Damir Kamilevich, No. 7 2018

Legal conflicts regarding the regulation of fishing in the exclusive economic zone of the Russian Federation in the southern part of the Sea of Okhotsk and the definition of its external border

Annotation. The article examines the norms of the legislation of the Russian Federation in terms of establishing the boundaries of sea spaces and regulating fishing in them. The international treaties of the Russian Federation were analyzed: the UN Convention on the Law of the Sea of 1982, the Agreement between the Russian Federation and Japan on mutual relations in the field of fisheries off the coasts of both countries dated December 7, 1984. Conflicts of existing legal norms concerning the definition of the external border of the exclusive economic zone were identified. Of the Russian Federation in the southern part of the Sea of Okhotsk and the rules governing fishing in it. It is emphasized that this situation creates serious problems for Russian fishing vessels. The practice of application of international legal norms and norms of Russian legislation by the authorized state bodies of the Russian Federation is considered and the peculiarities of their interpretation are

established. Recommendations for resolving these legal conflicts have been developed.

Salia Marianna Romanovna, No. 7 2018

The concept of "WTO law": the discussion continues

Annotation. The phenomenon of the law of the World Trade Organization continues to be the starting point for the subject of study by international lawyers. A study of the provisions of the "WTO package of agreements", the practice of panels and the Appellate Body, the reports of the International Law Commission on fragmentation in international law, and the scientific doctrine of various countries proves that "WTO law" is a "special treaty regime" existing within the framework of international rights. There can be no talk of isolation, if only because the application of the norms of "WTO law" is carried out in accordance with the provisions of the 1969 Vienna Convention on the Law of Treaties. This article is an attempt to present the author's point of view on the existing problem.

Trubacheva Kristina Igorevna, No. 7 2018

ASEAN Economic Community Program 2025 as a New Stage of Integration Development

Annotation. The presented article examines the theoretical and practical trends in the development of an integration organization in the Asia-Pacific region - ASEAN. The reasons and conditions contributing to the expansion of the regulatory framework of the Association are considered. 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 Association of Southeast Asian Nations today represent the largest political and economic association in the Southeast. Obviously that many

members of the organization under consideration differ greatly from each other both in terms of the degree of economic progress and the level of development of the domestic economy. The similarity in understanding the legal aspects of regulating public relations is also not absolute. The study of the specifics of the functioning of such a subject of international law as the Association of Southeast Asian Nations can have a significant impact on the understanding of many integration processes in the modern world.

Shonia Guri Vakhtangovich, No. 7 2018

Labor contract in France

*Annotation:*the article examines certain issues of the institution of an employment contract in France. The author examines the concept of an employment contract in the 80s of the last century and in the present period, draws attention to the changes and reforms of labor legislation carried out in recent years. In the conclusion of the article, the results are summarized and conclusions are offered. It is noted that the experience of French legislation, taking into account the diversity and specifics of labor of various categories of workers and forms of employment, deserves attention and study, which will allow the Russian legislator to take into account both positive and negative aspects for its implementation in the course of lawmaking in the world of work, which ultimately as a result, it will ensure greater efficiency of such an institution as an employment contract.

Bizhanova Kamilla Aytberovna, No. 7 2018

Historical aspects of the formation of prosecutorial supervision in the field of environmental protection

Annotation. Based on the analysis of the history of the formation and development of the activities of the prosecutor's office, as well as regulatory legal acts, the role and significance of this supervisory body in the field of environmental protection and environmental safety in the period 1960-2000 is investigated. The contribution and influence of the Soviet prosecutor's office in the protection of the nature of the entire state is analyzed. The Soviet state, despite significant measures taken in 1950-1970. of the last century, in order to improve the ecological situation in the country, failed to fully achieve high indicators of environmental practice, due to inconsistency in solving environmental problems. At the same time, the adoption of the 1979 Law on the Prosecutor's Office of the USSR contributed to the expansion of the competence of prosecutors in supervisory and coordinating activities to ensure law and order, as well as strengthening supervision, including in the environmental sphere. The author provides examples of the practice of prosecutorial activities of environmental prosecutors. It should be noted that the 1991 Judicial Reform during the formation of a rule-of-law democratic state, the powers of the prosecutor's office had to be significantly transformed. So, in paragraph 6 of Section 4 of the Concept, the following was fixed: "The gradual withering away of the general oversight function of the prosecutor's office cannot affect the state of legality in the country if the transition to the market provides internal natural incentives for compliance with the laws ... ..". However, as modern practice shows, the prosecution bodies, including specialized ones, are one of the instruments for ensuring and protecting the constitutional rights of citizens to a favorable environment in a state governed by the rule of law. including in the environmental sphere. The author provides examples of the practice of prosecutorial activities of environmental prosecutors. It should be noted that the 1991 Judicial Reform during the formation of a rule-of-law democratic state, the powers of the prosecutor's office had to be significantly transformed. So, in paragraph 6 of Section 4 of the Concept, the following was fixed: "The gradual withering away of the general oversight function of the prosecutor's office cannot affect the state of legality in the country if the transition to the market provides internal natural incentives for compliance with the laws ... ..". However, as

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