Artemov Vyacheslav Mikhailovich, No. 8 2018

Morality and law:

reality and prospects of interaction

Annotation. The article provides an analytical review and reveals some key points of the content of the International Scientific and Practical Conference "Morality and Law: Reality and Prospects for Interaction", held on April 20-21, 23, 2018 at the O.E. Kutafina (Moscow State Law Academy). It was prepared and conducted by the acting on the basis of the Department of Philosophical and Socio-Economic Disciplines of the Moscow State Law University named after O.E. Kutafin (Moscow State Law Academy) by the Philosophical and Legal Club "Moral Dimension of Law" under the guidance of Doctor of Philosophy, Professor V.M. Artemova. The given context and purpose of such scientific and educational events demonstrate its specificity and role in comprehending the problem of the interaction of morality and law, implementing the strategy of ethics of the latter.

Razin Alexander Vladimirovich, No. 8 2018

The origin of morality: free will and morality

The article deals with the specificity of the formation of general moral concepts. It is noted that consciousness, subconsciousness and intuition are involved in this process. At the same time, intuition brings moral ideas to such a degree of abstraction, to which consciousness, due to the egoistic interest presented in it, cannot bring them. The subconscious mind ensures the automatism of behavior and at the same time completes our ideas to systemic integrity. It is shown that moral thinking, awareness of the relationship with others is an important aspect of the formation of human consciousness as a whole. Further, the problem of free will and moral responsibility is considered. The views of analytical philosophers, who consider free will to be an illusion, are criticized. It is demonstrated that free will is already contained in mental mechanisms, associated with the ability to orientate on the basis of ideal images. It arises due to the fact that the brain processes all possible situations of action in a hypothetically assumed reality, the state of which refers to a

certain moment in the future. This forces one to put oneself in the place of another, and hence a primary moral attitude arises. To some extent, higher animals are also capable of this, but a person can more deeply analyze the situation of action, refer his ideas to the distant future due to the fact that language will allow him to overcome direct emotional reactions to the situation. This forces one to put oneself in the place of another, and hence a primary moral attitude arises. To some extent, higher animals are also capable of this, but a person can analyze the situation of action more deeply, refer his ideas to the distant future, due to the fact that language will allow him to overcome direct emotional reactions to the situation. This forces one to put oneself in the place of another, and hence a primary moral attitude arises. To some extent, higher animals are also capable of this, but a person can analyze the situation of action more deeply, refer his ideas to the distant future, due to the fact that language will allow him to overcome direct emotional reactions to the situation.

In solving the problem of free will, I accept the theory of emergent causality, i.e. the idea that some neural networks can control others and this allows us to interpret the ideal on the basis of the material. The ideal in this interpretation turns out to be some sense generated by complex interactions of brain networks. At the same time, the meanings generated by the work of the brain take into account the phenomenal experience of the subject, his past emotional reactions to various events of individual life. This makes it possible to classify events, to separate the important from the unimportant when planning future actions.

Prokofiev Andrey Vyacheslavovich, No. 8 2018

Shameful legal sanctions in the context of the psychology of shame

annotation

The subject of the research is the practice of using the feeling of shame in the process of imposing sanctions for offenses. It consists in the organization of special harassing procedures, acting as an independent punishment or as an addition to the main punishment. Among countries with a legal culture of the modern Western type, this practice is most widespread in the United States. The relevance of the discussion

of shameful legal sanctions is associated with the shortcomings of the main form of punishment used in modern legal systems - imprisonment. In legal philosophy and social ethics, the status of shameful legal sanctions has generated widespread debate. This article has analyzed only one argument used in it. Opponents of shameful legal sanctions start from the peculiarities of shame as a moral emotion. Within the framework of criticism of this moral emotion, based on the results of the research of J. Tangney, shame acts as a depressive experience that blocks empathy and provokes aggressiveness. Accordingly, its use in the penitentiary system can lead exclusively to negative consequences. However, much of the psychological critique of shame is not supported by more recent research. At the moment, a partial rehabilitation of this emotion has unfolded. This leads to an important takeaway in relation to shameful legal sanctions. The socio-ethical validity of their use cannot be based on conflicting data from the general psychology of shame.

Ivshin Mikhail Sergeevich, No. 8 2018

Institutional and organizational provision of concession activities in Russia during the NEP

annotation... The article shows the institutional and organizational support of concession activities during the NEP years. The paper analyzes the acts, in accordance with which the state committees were formed, which were in charge of this activity, and the issues of the correlation of their powers with the powers of other state bodies, including trade missions of Russia abroad, were considered. An assessment of the efforts of the state by experts in the economic and legal literature (both related to the analyzed period and in the modern one) is given. The author comes to the conclusion that by the end of the 1920s. there were two forms of concession: the so-called pure and mixed. The first was completely based on foreign capital, the concession enterprise in this case was operated by the foreign concessionaire independently. The second concession assumed the presence of joint capital - foreign and Russian (state or cooperative). Net concessions prevailed in Russian concession practice. There were mixed ones mainly in the sphere of trade.

They were possible only if a special joint-stock company had been previously organized.

Chistyakov Alexander Vladimirovich, No. 8 2018

The first attempts to systematize Russian legislation and the creation of the Code of Laws of the Russian Empire

Annotation. The article is devoted to an event that took place 185 years ago: during 1832, the Code of Laws of the Russian Empire was printed, and on January 19, 1833, at the general meeting of the State Council, it was approved as an official collection of existing legislative acts, and then declared a valid source of law from January 1 1835 year. The significance and role of the Code in the formation of the system of Russian legislation has been devoted to many works; This article analyzes the 130-year experience of creating commissions for collecting laws, reveals the reasons why work in this direction turned out to be unproductive. The accumulated array of laws was partially duplicated, contained errors and inaccuracies, so the collection of laws did not lead to the desired goal. It was necessary to streamline the laws and bring them into a system, and this could be done, only relying on clear ideas about the essence of the current law and subjects of legal regulation. A new stage in the history of the development of domestic law was marked by the activities of M. M. Speransky, under whose leadership the Code of Laws of the Russian Empire was created, which became a means of ensuring the rule of law in the state.

Kuryshev Evgeny Yurievich, №8 2019

Ideology as a source of legal innovation

Annotation. The article examines the relationship between innovation and the ideology of law. Special attention is paid to the most important innovative tasks of the ideology of law. The analysis of the process of emergence of a new, innovative legal idea is carried out, for the transformation of a new idea into theory, legal principles and concepts is one of the key moments of the process of innovation in law.

The author believes that legal ideology is obliged to support, develop and disseminate innovative ideas related to universal human values: individual rights and freedoms, democracy, rule of law, civil society, socially oriented market economy. The paper notes that the essence of innovative legal ideology lies in the process of identifying theoretical consciousness, coordination and coordination of various public interests through the achievement of social compromise.

Also, according to the author, in the case of introducing innovative elements, the legal ideology should contain a great moral potential, which implies ensuring the rights of the individual, support, protection and development of the family. The most important task of innovative legal ideology is the creation of legal ideas that regulate the penetration of national culture into the legal system. Moreover, innovative legal ideology is aimed at developing ideas for regulating economic relations. Modern ideology cannot only state the movement towards a self-regulating market economy. In an innovative legal ideology, it is important to clearly express the position on such processes as free trade, entrepreneurship, and the issue of property.

Polyakov Maxim Mikhailovich,
Okrokova Ekaterina Sergeevna, No. 8 2018

Disciplinary responsibility of civil servants for violation of legislation in the field of strategic planning and anti-corruption

Annotation. The article discusses topical issues of the functioning of the strategic planning system in the Russian Federation in terms of establishing responsibility for violation of legislation in this area. The relationship between strategic planning and combating corruption in Russia is indicated. The authors present an analysis of disciplinary offenses in the implementation of strategic planning by state bodies and their officials, argued the need for a gradation of violations of civil servants in order to assign an adequate penalty. The development and implementation of guidelines for the differentiation of offenses in the field of strategic planning, taking into account the peculiarities of the violations committed

and their consequences for the public administration system and society as a whole, is proposed. Also,

Arzumanova Lana Lvovna

Logvencheva Anastasia Olegovna, No. 8 2018

Features of organized diamond trading

Annotation: This article is devoted to the study of the features of the organized trade in diamonds. In the first part of the article, it is pointed out that there is no normatively fixed definition of the concept of "diamond", but their belonging to precious stones is noted. Further, diamonds are correlated with financial instruments, which are considered in the work in a broad and narrow sense, as well as with monetary surrogates. In addition, the author draws attention to the fact that in other branches of law, diamonds are considered a commodity.

Based on the study of the financial nature of diamonds, the second part of the article analyzes possible ways of organized diamond trading: futures trading on the stock exchange, the creation of diamond exchanges and the creation of a specialized diamond trading center. Particular attention is paid to studying the activities of the Eurasian Diamond Center recently created in Russia. Based on the study, the author presents a conclusion about its status as a multifunctional center for the organized diamond trade.

Karpova Irina Viktorovna

Kirill Karpov, No. 8 2018

Financial and legal regulation of remittances of foreign citizens (remittances)

Annotation: Currently, the issue of financial and legal regulation of remittances of foreign citizens (remittances) is insufficiently covered in the science of financial law. The authors of the study analyze the legal regulation of remittances in Russia and foreign countries. Various classifications of migrants' remittances are given, including those using virtual and digital currencies (cryptocurrencies). The paper reveals a direct dependence of the GDP growth of the CIS countries on

remittances of foreign citizens from Russia to these countries. The authors propose a number of initiatives that will allow accumulating these funds on the territory of Russia.

Ledneva Yulia Viktorovna, No. 8 2018

Legal entities as subjects of budget law:
legal identification problems

Annotation. Analyzing the current budget and civil legislation of the Russian Federation, based on the provisions of the doctrine of budget law and the theory of a legal entity of public law, the author comes to the conclusion that, as a general rule, legal entities are not subjects of budget law, but in some cases determined by the BC RF and other regulatory legal acts, they can be participants in the budget process and, accordingly, subjects of budget law. The author proves that at present the following legal entities are participants in the budget process, and, accordingly, the subjects of budget law are: 1) state and local government bodies endowed with the status of a legal entity; 2) state institutions; 3) Bank of Russia; 4) the most significant institutions of science, education, culture and health care,

Gudovskikh Tatiana Sergeevna, No. 8 2018

The legal nature of the framework contract

Annotation: The article reveals the essential characteristics of the framework contract. The inadmissibility of considering this legal phenomenon as a quasi-contract is substantiated. The framework contract is considered as an independent special contractual structure. The author analyzes the ratio of organizational and organized relations in relation to the subject of the framework agreement.

Based on the results of the study, the author comes to the conclusion that the specific purpose of the framework agreements is to create a system of stable legal ties, general "rules of the game", which in the future are subject to the relationship of the parties. In turn, the subject of framework agreements are the actions of the

parties aimed at determining the general conditions for the emergence, change and fulfillment of certain obligations in a certain field of activity. In addition, the article reveals the structure of contractual ties in framework contracts, as well as the specifics of organized contracts.

Ayusheeva Irina Zoriktuevna, No. 8 2018

Features of the civil status of the inheritance fund

Annotation. The article is devoted to the study of the new provisions of the Civil Code of the Russian Federation on inheritance funds, which come into force on September 1, 2018. It is indicated that the inheritance fund is one of the instruments that expand the possibilities for the protection and management of the inheritance. The features of his civil status and activities as a legal entity, which significantly distinguish it from ordinary funds, are noted. This specificity is associated with the special purpose of creating a foundation - the management of the inherited property of a particular citizen, who is the sole founder of the foundation, after his death. Moreover, such a goal, in contrast to the usual goal of creating a fund, as a general rule is not generally useful, social, but rather a private one, which distinguishes the hereditary fund among other types of funds created, as a rule, for charitable, social and other socially useful purposes. The article also notes the difficulties in determining the procedure for creating a fund, the procedure for forming its governing bodies, as well as further forming its property base and carrying out activities.

Chernobel Yana Andreevna, No. 8 2018

Development of the doctrine of third parties in the sources of Russian civil law

Annotation. The article examines the directions of development of the doctrine of third parties in the sources of Russian civil law. Highlighted the obligatory and optional legal forms of participation of a third party in a contractual relationship. During the period of validity of customary law, such a mandatory form of participation of a third party appeared as evidence of the will of the parties to the

contract. By the 17th century, there was a well-established procedure for public certification of transactions by third parties. The optional participation of a third party in a contractual relationship was allowed in the Extensive edition of Russian Pravda when the testator's obligations were transferred to third parties - heirs. The Pskov letter of judgment mentions such a way of ensuring the fulfillment of obligations as involving a third party in the execution of the contract as a surety. Legislation of the 18th century provides for the possibility of a third party participating as a voluntary representative. In the business practice of the 19th century, it became possible to conclude contracts in favor of a third party, as well as the possibility of a third party to act as a pledger who is not a debtor on the main obligation. The Civil Code of the Russian Federation of 1964 established the possibility of a third party as a guarantor. Federal Law No. 100-FZ of May 7, 2013, in the provisions of the Civil Code of the Russian Federation of 1994, established a general rule on the consent of a third party to a transaction. The Civil Code of the Russian Federation of 1964 established the possibility of a third party as a guarantor. Federal Law No. 100-FZ of May 7, 2013, in the provisions of the Civil Code of the Russian Federation of 1994, established a general rule on the consent of a third party to a transaction. The Civil Code of the Russian Federation of 1964 established the possibility of a third party as a guarantor. Federal Law No. 100-FZ of May 7, 2013, in the provisions of the Civil Code of the Russian Federation of 1994, established a general rule on the consent of a third party to a transaction.

Karaskina Marina Sergeevna, No. 8 2018

Appealing the rulings of the court of first instance separately from the court decision in civil and administrative proceedings

Annotation. The article contains a study of certain theoretical and practical problems of appealing against determinations made in the consideration of cases in the first instance by arbitration courts, courts of general jurisdiction, as well as cases considered in the order of administrative proceedings. The history of the issue of the criteria that separates the court rulings, which are not subject to appeal separately from the decision, from those subject to appeal, is briefly considered. Based on the

analysis of legislative terminology, it is proposed to supplement the rule of clause 2 of part 1 of Art. 331 of the Civil Procedure Code of the Russian Federation, securing in it the right of appeal against court rulings, not only excluding the possibility, but also definitions "hindering" the further movement of the case. The necessity of legislative consolidation in the Arbitration Procedural Code of the Russian Federation and the Civil Procedure Code of the Russian Federation of the right to appeal against the ruling on the refusal to involve a third party who does not declare independent claims is substantiated for the person who "submitted the corresponding petition". The article proposes to consolidate in the Civil Procedure Code of the Russian Federation and the Code of Administrative Procedure of the Russian Federation the rules similar to the Arbitration Procedure Code of the Russian Federation: 1) consideration of the issue of restoring the missed deadline for appeal by the court of appeal (and not by the court that adopted the contested decision); 2) the right to file a cassation appeal against a court ruling (decision, ruling) if the court of appeal has refused to restore the missed deadline for filing an appeal.

Fedotov Dmitry Vitalievich, No. 8 2018

The fate of the special rights of a legal entity during its transformation

Annotation. The article concludes that the subjective civil law, which by virtue of the law can belong to a legal entity only of a certain organizational and legal form, is terminated when the legal entity changes the corresponding organizational and legal form. The conflict between clause 5 of Art. 58 of the Civil Code of the Russian Federation, according to which the rights and obligations of a legal entity do not change during its transformation, and clause 1 of Art. 296 of the Civil Code of the Russian Federation, according to which the right of operational management can belong only to an institution and a state-owned enterprise). It has been proved that the norm contained in clause 5 of Art. 58 of the Civil Code of the Russian Federation, is subject to restrictive interpretation and should apply only to the obligations of this legal entity. Consequently, the conflict between the norms contained in paragraph 5 of Art. 58 and clause 1 of Art. 296 of the Civil Code of the Russian Federation, is permitted in favor of the latter rule. Based on the principle of

dispositiveness, a legal entity bears all the risks of adverse consequences caused by reorganization, including those associated with the termination of its special subjective rights. The termination of the right to operational management when a legal entity changes its organizational and legal form correlates with the general legal trend aimed at reducing the number of cases of using the institution of operational management in economic circulation. The main arguments of supporters and opponents of this point of view are analyzed on the example of a specific litigation in case No. A60-18402 / 2015. including those related to the termination of his special subjective rights. The termination of the right to operational management when a legal entity changes its organizational and legal form correlates with the general legal trend aimed at reducing the number of cases of using the institution of operational management in economic circulation. The main arguments of supporters and opponents of this point of view are analyzed on the example of a specific litigation in case No. A60-18402 / 2015. including those related to the termination of his special subjective rights. The termination of the right to operational management when a legal entity changes its organizational and legal form correlates with the general legal trend aimed at reducing the number of cases of using the institution of operational management in economic circulation. The main arguments of supporters and opponents of this point of view are analyzed on the example of a specific litigation in case No. A60-18402 / 2015.

Zamdikhanova Lilia Rubinovna, No. 8 2018

The nature and degree of social danger of the crime and the personality of the offender as criteria for the appointment of punishment

Annotation: A fair measure of punishment should be based on two criteria: the nature and degree of social danger of the crime and the personality of the offender. In the context of the purposes of punishment set by Article 43 of the Criminal Code of the Russian Federation (restoration of social justice, correction of a convicted person and prevention of the commission of new crimes), the prevalence of one criterion over another in law enforcement is unacceptable.

The dominance of assessing the nature and degree of social danger of the

crime will mean retribution through punishment. However, the crime committed characterizes in a certain way the criminal himself. Achievement of the goals of punishment is impossible if, when determining its measure, the pre-criminal and post-criminal behavior of the person is not taken into account. Based on these arguments, the author comes to the conclusion that there is an inextricable connection between the two criteria for imposing punishment, their interaction and complementarity: with an increase in the danger of criminal behavior, the influence on the measure of punishment is weakened by the circumstances characterizing the positive pre-criminal and post-criminal behavior of a person; the less dangerous the criminal behavior, the greater the force of influence on the punishment of the circumstances that positively characterize the person.

Barinov Sergey Vladimirovich, No. 8 2018

Features of initiation of criminal cases on the facts of committing criminal violations of privacy

Annotation. The article discusses aboutthe ability to initiate a criminal case as an independent element of a private forensic methodology for investigating criminal violations of privacy. Investigated in detailreasons for initiating criminal cases. The analysis of various approaches to the definition of the concept "reason for initiating a criminal case ”. Emphasized special importancestatements about a crime as a pretext for initiating criminal chargescases of private-public prosecution. In a separate group of ways of expressing a free reason, it is proposed to allocate reports of crimes discovered by employees of state authorities, public and other organizations and enterprises.It is noted that the establishment of the reliability of the information received and its sufficiency in order to become the basis for initiating a criminal case is carried out within the framework of a preliminary check. ABOUTThe main directions of such verification are the establishment of the object and the objective side of the crimes, as well as the delimitation of acts and administrative offenses criminalized by the criminal law with related elements.

Kilina Irina Vladimirovna, No. 8 2018

A turn for the worse when revising a sentence passed against a defendant with whom a pre-trial cooperation agreement has been concluded

Annotation. The refusal of persons who have entered into a pre-trial cooperation agreement from a full-fledged judicial investigation in exchange for the imposition of a lighter punishment requires the consolidation of increased guarantees in the RF Criminal Procedure Code of the observance of their rights and legitimate interests. Along with others, such a guarantee is the principle of inadmissibility of turning for the worse (non reformatio in peius), which manifests itself in the verification stages of the criminal process. The action of this principle in production within the framework of Ch. 40.1 of the Code of Criminal Procedure of the Russian Federation has features related to the rules for imposing a sentence, as well as limiting the grounds for appealing a sentence. The publication provides a comprehensive statement of the rules and conditions under which a turn for the worse is allowed when revising sentences passed in the order of Ch. 40.1 of the Code of Criminal Procedure of the Russian Federation in a court of appeal, cassation, supervisory instance, upon resumption of production due to new or newly discovered circumstances. It is proposed to resolve the problematic situations identified in judicial practice, in which two sentences that have entered into legal force that assess the same factual circumstances differently should be brought into line due to the prejudicial nature of sentences passed in the general procedure of court proceedings. A system of arguments against the prosecution of persons who indicated false information when concluding a pre-trial agreement on cooperation is presented. those who assess the same factual circumstances differently should be brought into line in connection with the prejudicial nature of sentences passed in the general procedure of court proceedings. A system of arguments against the prosecution of persons who indicated false information when concluding a pre-trial agreement on cooperation is presented. those who assess the same factual circumstances differently should be brought into line in connection with the prejudicial nature of the sentences passed in the general procedure of court proceedings. The article provides a system of arguments against the prosecution of

persons who indicated false information when concluding a pre-trial agreement on cooperation.

Kalyuzhny Alexander Nikolaevich, No. 8 2018

Areas of the investigator's activities at the initial stage of the investigation of violations of personal freedom

Annotation:the article raises the problem of periodization (stages) of the investigation of crimes; emphasizes the mobility of the boundaries of the stages of investigation of crimes, due to their dynamism and intensity; the boundaries of the initial stage of the investigation of crimes are substantiated, and its main function is argued; it is pointed out that the directions of the investigator's activity in the course of the investigation of encroachments on the freedom of the individual are determined by the specifics of proving the crimes in question and the specifics of the mechanism of their commission; the analysis of judicial and investigative practice is carried out and the directions of the investigator's activity are highlighted at the initial stage of the investigation of infringements of personal freedom; the documentation is classified, reflecting the elements of the investigated criminal activity and its evidentiary content is considered; the work with individuals and legal entities is investigated as one of the directions of the investigator's activity under consideration and its subdivision into component parts is carried out; the classification of traces of criminal encroachments on personal freedom is carried out and work with them is argued as the direction of the investigator's activity under consideration; the work with the victim is analyzed as the most significant direction of the initial stage of the investigation of attacks on personal freedom; conclusions are drawn and the results of the research are summed up. the classification of traces of criminal encroachments on personal freedom is carried out and work with them is argued as the direction of the investigator's activity under consideration; the work with the victim is analyzed as the most significant direction of the initial stage of the investigation of attacks on personal freedom; conclusions are drawn and the results of the research are summed up. the classification of traces of criminal encroachments

on personal freedom is carried out and work with them is argued as the direction of the investigator's activity under consideration; the work with the victim is analyzed as the most significant direction of the initial stage of the investigation of attacks on personal freedom; conclusions are drawn and the results of the research are summed up.

Shulakov Andrey Anatolyevich, No. 8 2018

Delimitation of internal and cross-border legal relations

Resume: The article examines the problems of differentiating cross-border and domestic legal relations on the basis of criteria related to the operation of peremptory norms in private international law. A detailed analysis of domestic and foreign legal acts and doctrine allows us to conclude that to determine the internal relationship, such criteria are - the connection of all circumstances concerning the essence of the relationship of the parties with only one country. The study notes that the materiality (significance), this or that element of the legal relationship is given not by one or another territorial contact, but by the presence of a significant public interest provided by the law closely related to the territorial contact. In the absence of significant foreign public interests in a legal relationship, such a legal relationship is internal (a false collision). Significant conflicting public interests of foreign legal orders associated with this or that territorial contact indicate that this legal relationship is cross-border (Romano-Germanic doctrine), a true conflict (American doctrine). To select the applicable law in both domestic and cross-border legal relations, one should be guided by the principle of the closest connection, which provides for the application by the court of the law of that country, which is associated with the least damage to the public interests (values) affected by this relationship.

Zaitsev Ivan Alexandrovich, No. 8 2018

Features of the regulation of the right to freedom of conscience and religion under the Constitution of the Russian Federation and a number of foreign countries

Annotation. The article examines the features of the content of the right to freedom of conscience and religion under the Constitution of the Russian Federation and the constitutions of a number of countries related to both neighboring states (Republic of Belarus, Republic of Kazakhstan, Azerbaijan Republic, Ukraine) and far (Germany, Switzerland, USA) abroad. The author identifies and analyzes the features of this right under the Constitutions of the analyzed countries, as a result of which attention is focused on the fact that the right to freedom of conscience and religion is enshrined in different constitutions of countries in different ways, which is due to the historical development of each state separately. Taking into account the analysis of the norms of international legal acts, the Constitution of the Russian Federation and the analyzed foreign countries, we come to the conclusion that Art. 28 of the Constitution of Russia does not contain significant differences in the regulation of the law we are analyzing. In addition, it is determined what should be understood by "freedom of conscience" and "freedom of religion", taking into account these definitions, it is concluded that freedom of conscience is broader than the concept of freedom of religion.

Smirnov Alexander Fedorovich, No.8 2018

Correlation between the principles of legality and expediency in organizing the activities of the prosecutor's office

Annotation. The article is devoted to the study of issues arising from the relationship between the principles of legality and expediency in organizing the activities of the prosecution authorities of the Russian Federation. Attention is drawn to examples of the dominance of the principle of expediency in the practice of organizing prosecutorial activities due to departmental regulatory legal regulation.

Based on the results of the study, the author comes to the conclusion that the principle of expediency in relation to the principle of legality should be derivative

in the organization and activities of the prosecutor's office. It is appropriate to be guided by expediency only in a situation where the law allows one to choose an alternative form of behavior. The criterion for choosing the appropriate form of activity of the prosecutor's office in the absence of a direct indication of the law should be a systemic interpretation of legislative provisions that determine the main purpose of the prosecutor's office in the system of state legal institutions.

Nogaeva Victoria Uruzmagovna
Kolesnikova Natalia Yurievna, No. 8 2018

ENTREPRENEURSHIP AND LAW. FRENCH AND SPANISH AS LANGUAGES OF BUSINESS COMMUNICATION

Annotation. This review succinctly covers the III International Scientific Symposium “Entrepreneurship and Law. French and Spanish as languages of business communication ”, which took place on April 6, 2018 at the Moscow State Law University named after O. Ye. Kutafina (Moscow State Law Academy).

The most important papers presented at this event will be published in leading peer-reviewed scientific journals.

Ershova Inna Vladimirovna, No. 8 2019

Self-Employment: Formation of a Legal Regime

Annotation. The article presents the legislative foundations of the emerging legal regime of self-employment in Russia. The procedure for the legalization of their status by self-employed citizens is shown. The emphasis is made on changing the legislative definition of entrepreneurial activity. Attention is drawn to the "tax holidays" provided to the legalized self-employed. A statistical portrait of self-employment is given. It was declared about the need to expand the list of activities that are allowed to be engaged in self-employed citizens. The opinion was expressed

that legalized self-employed persons should acquire the statutory status of micro-enterprises.

Biryukova Marina Anatolyevna, No. 8 2019

Business foreign language in the process of professional training of lawyers

annotation...The article examines the role and place of the "Business foreign language" discipline in the process of professional training of students of law schools. Knowledge of a business foreign language is essential for communication in any professional field. A business foreign language is currently an essential component of the process of teaching the language of a specialty. The article discusses various methods of teaching a business foreign language and ways to improve its effectiveness.

Alain Duflot, no. 8 2018

New standard of French as a language of law and a language of business communication

Annotation: The issue of gender equality and its reflection in the language is considered. In particular, we are talking about the appearance of inflections of the feminine gender in words that traditionally had only masculine gender, as well as the revision of the masculine primacy when several nouns of various genders are reconciled with adjectives. If the changes take root in the language, their consideration will be necessary in the process of business communication with French partners.

David Krasovets, no. 8 2018

The gap between French and French law

annotation: Speaking about the spaces in which the law is practiced, one should distinguish between the geographical space, where the French language is spoken, and the legal (as well as economic) space, where the law is applied based on the French system. In this case, we are only talking about French law, regardless of the language in which it functions. To reach the geographical areas in which the law "thinks" in French, it is necessary to consider them as territories with their own language, to build in them a normative legal system that will go hand in hand with modern automated translation technologies. Continuity between linguistic spaces and legal territories is optional.

Rekosh Karina Hadzhievna, No. 8 2018

Cultural and discursive heritage of Companionage

Annotation: The article is devoted to some types of labor organization in Medieval France, which were at the origins of entrepreneurship. Craftsmen, apprentice, and apprentice corporations can be considered the forerunners of modern enterprises, while Companionships, continuous and consisting only of workers, predate modern trade unions, but in contrast are aimed at preserving the working culture, spirit, tradition and transmission professional skills and knowledge and deserve more detailed acquaintance with them.

Pirtskhalava Khatia Davidovna, No. 8 2018

The influence of economics on modern private international law

Annotation. The article examines the influence of the economy on the development of law in general, including modern private international law.

Globalization, the development of economic principles in the EU countries, such as the free movement of persons, goods, works and services, as well as the need to attract investment in the economy of states, led to the need to modernize the legal regulation of cross-border private legal relations.

Udovichenko Yulia Gennadievna,
Nogaeva Victoria Uruzmagovna, No. 8 2018

EU General Data Protection Regulation

annotation...The report examined the issue of the adoption by the European Parliament of a new personal data protection system - the EU General Data Protection Regulation. The regulation applies to all EU member states. The regulation will enter into force on May 25, 2018. The document contains a number of obligations that are very burdensome for organizations, but at the same time significantly expands and strengthens the rights of individuals. The adoption of the regulation is a huge step towards the Digital Single Market, and the expansion of territorial coverage will ensure a more balanced interaction between data controllers in the EU and beyond.

Christoph Samuel Hutchinson, No. 8 2018

Single digital market of the European Union

Annotation: The issues of legal regulation of the digital market are relevant in the context of the ongoing processes of globalization. In this regard, of particular interest is the problem of legal regulation of cross-border online transactions for the purchase and sale of goods. Studying the experience of the European Union, the author notes that with the entry into force at the end of this year of the Regulation banning geo-blocking, adopted by the Council of the European Union on February 27, 2018, consumers will be able to freely make cross-border online purchases in the EU. This means that online merchants will have to serve foreign consumers “like local”.